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COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

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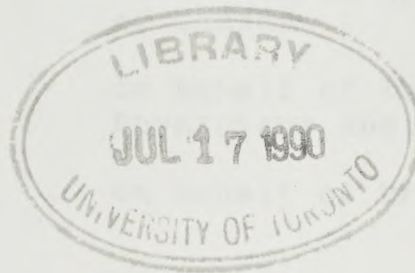
THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON MONDAY, AUGUST 14, 1989

VOLUME 71

NETWORK COURT REPORTING LTD.

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C O U N S E L:

MS. K. CHOWN

on behalf of the
Commission

J. DePENCIER

on behalf of the Government
of Canada

R. STEINECKE

on behalf of the College of
Physicians and Surgeons

R. HUGHES

on behalf of Dr. Artinian

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THE COMMISSIONER: Good morning.

MS. CHOWN: Good morning, Mr. Commissioner.
Mr. Commissioner, before we start this morning, if I might
address you on a few preliminary matters. First of all, I
would like to introduce Mr. Randy Hughes, who is here as
counsel for Dr. Artinian.

THE COMMISSIONER: Mr. Hughes.

MS. CHOWN: Mr. Commissioner, before we
begin today I would like to outline for you the nature of
the evidence that we expect to call this week. We will be
hearing today and tomorrow from a number of college
football players from Guelph, York University, the
University of Toronto and perhaps one other school. We
also expect to hear from two high school football players.

In addition this morning, we will have the
evidence of another member of the Canadian bobsled team,
and tomorrow we will be joined by Linda McCurdy-Cameron, a
Canadian high jumper.

On Wednesday of this week, we'll be hearing
from Mr. Bob Pugh, the Executive Director of the CIAU, to
comment on their work and policies in the anti-doping
field. As well on Wednesday, we expect to hear from Mr.
Rolf Lund and Mr. Cecil Smith of the Ontario Track and
Field Association.

Mr. Commissioner, I should advise that we

have had some difficulty scheduling witnesses for this week largely because of other commitments of the witnesses and the intervention of the summer break; so we hope and have tried our best to ensure a full complement of witnesses for you, but it may be that we will be short on some days.

THE COMMISSIONER: We'll see.

MS. CHOWN: Mr. Commissioner, our first witness this morning is Andy Swim. Mr. Swim is here.

THE COMMISSIONER: Mr. Swim.

ANDREW DAVID SWIM SWORN:

--- EXAMINATION BY MS. CHOWN:

THE COMMISSIONER: Yes, Ms.

Chown.

MR. CHOWN:

Q. Thank you. Mr. Swim, I understand that you were born in 1961 in New Brunswick?

A. That's right.

Q. Your family subsequently moved to Ontario and you attended highschool in the Ottawa area obtaining your Grade 13 in 1979?

A. Right.

Q. Following your graduation, you attended the University of Western Ontario and you obtained a degree from there in 1983?

A. Right.

Q. What was your degree?

A. Administrative and Commercial Studies.

Q. Is that a Bachelor of Arts?

A. Bachelor of Arts.

Q. You also attended --

THE COMMISSIONER: Would you speak just a little closer to the microphone. Just be careful of that now.

MS. CHOWN: You might have to lean into it a little bit.

THE COMMISSIONER: Thank you.

MS. CHOWN:

Q. You also went to Ottawa University, the University of Ottawa?

A. Right.

Q. And the event for which you are being asked to come before us today and talk about is bobsledding?

A. That's correct.

Q. Though I understand that while you were

at university you in fact played football and were involved in other sports?

A. Yeah, I played football for half a year at Carleton.

5 Q. Now just turning to the question of bobsledding, we have had Mr. Clarke Flynn as a witness before this Commission, and I understand it was through Mr. Flynn that you first became involved in bobsledding?

A. That's right.

10 Q. Can you tell us how that came about, please.

A. I had worked with him in Ottawa at a nightclub, and we had mutual friends who had played football at Carleton, and I had done well in the tests at Carleton, and he thought that I had the physical capabilities to make the bobsled team.

15 Q. When you say you had done well in the tests at Carleton, were there some preliminary screening tests that were run for potential bobsled members?

20 A. Yeah, the testing similar to what they do for the bobsled team as far as the sprints, they time you in sprints, and weights.

Q. And these were areas that you had some strength and skill in from playing football?

25 A. The same sort of capabilities.

Q. Now I understand that you in fact made the Canadian team in bobsledding for the Calgary Winter Olympics?

A. M'hmm.

5 Q. Were you on the four-man team or the two-man team?

A. Four-man.

Q. What position did you have?

A. I was crewman.

10 Q. And after the Olympics in 1988, you stopped bobsledding?

A. Right. I attended a camp in the summer of '88 but decided today retire in the fall.

Q. The fall of 1988?

15 A. Right.

Q. And you have not participated in this sport since then?

A. No, I haven't.

Q. Nor do you intend to do so?

20 A. Still undecided.

Q. Pardon?

A. I'm still undecided.

Q. Were you ever a carded athlete while you were on the bobsled team?

25 A. Yeah, all four years.

Q. And which cards did you hold?

A. I was a C card for two years and a B card for two years.

5 THE COMMISSIONER: When were you first carded? '84, would it be?

THE WITNESS: That would be, yeah, fall of '84. I think the carding started in January of '85, but we got, I think, one carding check retroactive to November of '84.

10 MS. CHOWN:

Q. Apart from participating in the Calgary Winter Olympics, I understand that you, as a member of the team, competed in a number of other events that comprised the bobsled competitive year?

15 A. I'm sorry?

Q. Did you compete as well in a number of other events that form part of the bobsled competitive year?

20 A. Yeah, all the World Cup races.

THE COMMISSIONER: When did you first become a member of the National Team?

THE WITNESS: It was fall of '84.

THE COMMISSIONER: Fall of '84?

25 THE WITNESS: Yeah.

MS. CHOWN:

Q. Mr. Swim, I'd like to turn to the question of anabolic steroids and ask you when you first
5 had any information about them or contact with them?

A. I guess my first contact with them would be in the summer or spring of 1985.

Q. Prior to that time, had you done any reading or any research about steroids yourself?

10 A. No, I knew very little about them.

Q. What was your source of information on steroids?

A. I lived with a couple of ex-weightlifters, people that had competed on the National
15 Weightlifting Team, and you hear stories about, you know, the use of such and such and just sort of -- you pick it up through casual conversation.

Q. And did you have particular discussions with the weightlifters with whom you lived about what
20 steroids they had used?

A. Not as far as the specific types and dosages or anything like that, but just more general information, when they had taken them and what the effects were and everything.

25 Q. All right. Was there any information

passed to you by these weightlifters about risks or side effects of steroids?

5 A. Yeah, but they all felt that the side effects were very overblown, that they had been blown out of proportion and that short-term use wouldn't have any serious side effects.

Q. And that was the position that they passed on to you?

A. Right.

10 Q. You indicated that your first contact occurred in the summer of 1985. At that point, you would have been a member of the Canadian National Team since the year previous?

15 A. Right. I had finished one season and I was training through the summer to start my second season in 1985.

Q. And we've heard that the bobsled season starts in the fall?

20 A. Yeah, it starts about October and goes until the end of February.

Q. Now I understand during that period leading up to the 1985 bobsled season, you experienced an injury in the summer of 1985?

A. That's correct.

25 Q. What was that injury?

A. I broke my wrist lifting weights.

THE COMMISSIONER: Lifting weights, not part of the bobsledding activity?

THE WITNESS: No, but we trained Olympic weightlifting.

THE COMMISSIONER: I understand that, but weightlifting, in that part of the training, was when you broke your wrist?

THE WITNESS: Right.

MS. CHOWN:

Q. Did that injury cause you any concern about whether you would be able to compete successfully in the season that was upcoming in the fall of 1985?

A. Yeah, I was concerned because I was supposed to have the cast on for six weeks. This was about, I think, in the middle of July of '85, and my training had been going well up to that point and I was concerned. We had a camp coming up in August, late August, and then our final selection camp in September, so there wasn't a lot of time.

Q. Was it your concern that you would not recover from your injury and therefore not be able to compete?

A. Right.

Q. As a result of that concern, did you make any decision with respect to steroids?

A. Yeah, that's when I acquired a bottle of Dianabol from one of the lifters in the gym or a body builder.

Q. Right.

A. And thought -- at the time I thought that it would aid the healing process as well, which I've sort of learned that isn't the case now, but I was under the impression that it would strengthen everything.

Q. And you say that was your understanding at the time. You now know that that is not the --

A. From what I gather, it's not -- I mean, it's never used for a healing process.

Q. That was your belief at the time, and on the basis of that belief, you approached a weightlifter and obtained some Dianabol?

A. Right.

Q. And these were Dianabol tablets?

A. Yeah.

Q. Did the weightlifter provide you with any advice about dosage, duration of taking these tablets and so on?

A. Yeah. He said to take 15 to 20 milligrams -- they were 5 milligram tablets -- to take 15

to 20 milligrams a day for six weeks.

Q. Did you in fact do that?

A. I had started taking them but stopped after about 10 days of using them.

5 Q. So we are in the summer of 1985 towards the latter part July?

A. Right.

Q. And you say you took them for 10 days and then stopped?

10 A. Then stopped.

Q. Why did you stop?

A. Well, at the time, I was the athlete's representative for the team, so I was attending what they called the Annual General Meetings which were held --

15 Q. This is the Bobsleigh and Luge --

A. For the Bobsleigh and Luge Association.

Q. Yes.

A. And while at the meetings, I received an itinerary of the upcoming camp in August.

20 Q. This is the training camp you mentioned earlier?

A. This is a training camp. It's like a high intensity workout. It's not used to judge -- I mean, the coaches make decisions and judge, but I mean nothing is final until the final selection camp. But I found out

25

that we were going to have doping control at this upcoming camp, which was about a week away, and that's why I stopped, for fear of getting caught. Like I felt that I was going to get caught.

5 Q. Had you been present at a training camp prior to that point either in 1984 or early 1985 at which there had been any testing?

A. No, I hadn't.

10 Q. Were you aware at that point that the Bobsleigh and Luge Association did from time to time have testing at its camps?

15 A. Well, they had always forewarned us or mentioned that we could be tested at any time from the start when I was on the team in 1984. And I mean, camp after camp after camp sort of went by, and I thought they were just blowing smoke.

 Q. So this was your experience with a definite announcement that testing was going to be held at the next camp?

20 A. Right.

 Q. So you indicated that you had concerns at that point that if you continued to take steroids that you might be tested and found to be positive?

25 A. Right. From the information that I received, people felt that the kill date or the time it

takes to get it out of your system was 21 to 28 days.

Q. And we've heard that referred to as the "clearance time"?

5 A. The clearance time, right. And the camp was, like I said, about a week away, so I was concerned.

Q. Did you seek advice from anyone as to what you should do?

10 A. Yeah. I talked to my roommate, Terry Hadlow, at the time.

Q. Mr. Hadlow was a weightlifter?

A. Right.

Q. And what advice, if any, did he give you?

15 A. He said that I had two options. I could go and try to beat the test on my own or go to the coaches and tell them what my situation was and see if there was any way that they could circumvent my getting tested or some way of me avoiding the test.

20 Q. Did he give you any more specific information as to, using your words, how you might "beat the test"?

25 A. Yeah. He gave me the options of catheterization, or the other way, to take diuretics, which is the one that I followed.

Q. Are you saying Mr. Hadlow gave you two different paths that you might follow? First of all, dealing with his first suggestion, did you at any time approach your coaches about this matter prior to the testing at the August camp?

A. Yeah, actually I did. I was very concerned at the time. I felt that it would jeopardize my bobsledding future and went to one of the coaches and told him about my situation.

Q. You told him?

A. Told him my situation, the predicament.

Q. All right. And who was that coach?

A. Joey Kilburn.

Q. All right. And when you say you told him your predicament, what exactly did you say to him?

5 A. Well, I went hoping that there was some way that I could get out of taking the test.

Q. You simply somehow would not be selected?

10 A. Right. I went and told him what I had taken, how much I had taken, and I mean he knew very little about it either. He didn't know the clearance times or whatever, but I mean from the information that I gathered, he sort of went on that same information. He asked me what I knew about it.

15 Q. What was his response to your plea for help?

A. He said I was on my own. He said that he couldn't do anything for me.

Q. He couldn't help you?

20 A. He couldn't help me.

Q. So by that you understood he was not prepared to take any special steps to avoid the fact that you were going to be tested?

A. Right.

25 Q. As a result of the coach's response,

did you do anything else?

A. Yes, I went back to Terry and he obtained some diuretics for me. And I started taking large dosages of acetaminophen and vitamin C.

5 Q. Acetaminophen and vitamin C were the two substances that Mr. Hadlow suggested would be of some assistance?

A. Right.

10 Q. All right. What did you understand they were going to do to your system?

A. Just purify it. Like he said that it would flush all the anabolic from the muscle tissue.

Q. Did you know at which particular day in the August 1985 camp there would be testing?

15 A. Yes, it was outlined clearly in the itinerary. It was the afternoon following the camp.

Q. And how long before the test then did you begin to take vitamin C and acetaminophen?

A. I guess it was about four or five days.

20 Q. Did you do anything particular on the day of the test itself?

25 A. Yes. The idea, as far as I gathered from Terry, was to urinate as many times as possible before actually going in to take the test so that you would have already sort of eliminated any of the chemicals

that were in the system.

Q. And in order to do that, did you try and drink a great deal that day?

5 A. Yes, I drank a lot of coffee, Diet Coke, water.

Q. Now, we have heard earlier this was a training camp; so, you weren't in a competition that day.

A. Right.

10 Q. What kinds of activities were you involved in as part of your training?

A. We were running sprints. We do a 30, 60, 100, and 200-meter run. We do certain bounding tests, and three weightlifting tests which are bench, squat, and cleans.

15 Q. Is it fair to describe it as a high intensity workout?

A. Very high intensity, and people are very competitive. I mean they want to make a good impression on the coaching staff.

20 Q. And following that high intensity workout, were you subsequently required to report for testing?

A. Right.

Q. Did you do so?

25 A. Yes.

Q. You gave a sample?

A. Yes, I did.

Q. All right. And what was the result of your test?

5

A. I had never heard back from them and from what I gather, if I hadn't heard any information back within a week then everything was fine and I had tested negative.

10

Q. Did you resume the use of anabolic steroids following that training camp in August of 1985?

A. No, I never did.

Q. Why was that?

15

A. I was afraid of getting caught again. I mean, it was a stressful ordeal that I went through. I had -- with the random testing, I had never thought that -- I mean, like I said, we had gone to camp after camp and never been tested and I was -- I was worried about being tested again.

20

Q. Because the association had now put in testing at this camp, you believe that that was something that they were going to continue to do?

A. Yes.

Q. Did you notice --

25

THE COMMISSIONER: How much notice had you been given actually, how many days?

THE WITNESS: Before we were tested?

THE COMMISSIONER: You got the schedule,
yes.

THE WITNESS: Yes, it was about a week,
5 seven or eight days.

MS. CHOWN:

Q. Would the other members of the bobsled
team have received the same notice or were you receiving
10 early notice because of your position?

A. I got it maybe a couple of days
earlier, like the time it would take to be mailed out.

Q. Everyone else would receive it by mail?

A. Right.

15 Q. Now, you told us you believe you took
the Dianabol tablets for a period of approximately 10
days. Did you notice any particular effects from that
time period?

A. Slight weight gain, but nothing,
20 nothing dramatic mostly because I still couldn't train at
a very high level. Like I was still recovering from
getting the cast off. And I had to be very tentative as
far as my lifting went. And I mean unless you train at a
high intensity level, you are not going to gain the
25 weight.

Q. Did your wrist heal satisfactorily so that you were able to compete in the 1985-'86 season?

A. It healed, but it gave me problems for about a year after that.

5 Q. Were you aware of any use of steroids by other members of the Canadian bobsled team during the time that you were on the team between 1984 up until 1988?

10 A. No, I wasn't. I had heard that Clark Flynn had used steroids in the past, but I think it was only during the period of time that he was on the weightlifting team or trying to make the weightlifting team.

15 Q. Now, Mr. Swim, when you were a member of the Canadian team you travelled frequently to Europe for the competitive season between 1984 and 1988 and competed against teams from a number of European countries as well as North America. During those competitions, did you form any impression as to whether there was steroid use by bobsled teams of other countries?

20 A. You -- well, I -- you have your suspicions. I mean you are training with these people all the time. I mean you always see them during the season. And I mean you have your suspicions, but never any real substantial proof except for one of the Austrian people
25 that I talked to.

Q. I think you indicated to me that you had a discussion with a member of the Austrian team sometime in 1986?

5 A. Right. This was in Lake Placid, actually. I had been selected for doping control at the World Cup Race in Lake Placid, and went through the testing, and everything was fine.

10 And we had gone out later that evening after the competition and I had started talking to a former member of the Austrian bobsled team. And he was -- he had told me stories about his steroid use and people that he was acquainted with as far as using anabolics.

THE COMMISSIONER: These are bobsledders, are they?

15 THE WITNESS: Bobsledders he was talking about, yes.

MS. CHOWN:

20 Q. He was talking about his own steroid use while he was a member of that team?

A. Right.

Q. I understand that this discussion took place on a social occasion?

25 A. Yes. We were out, it was at a bar, and everyone -- I mean, he was speaking quite freely. I think

he had been drinking and opened up, like I was surprised that he had opened up that much to me.

Q. Apart from that and any suspicions you might have drawn from people's appearances over the years, you didn't have any other direct information about steroid use?

A. No, no direct contact as far as actually seeing somebody acquire them or take any pills or anything like that.

Q. Mr. Swim, I understand now that you have left bobsledding, you are working full time in the Ottawa area?

A. Right.

MS. CHOWN: Thank you, Mr. Commissioner, those are my questions for Mr. Swim.

THE COMMISSIONER: Thank you. Any questions? Mr. DePencier.

--- EXAMINATION BY MR. DePENCIER:

Q. Mr. Swim, my name is Joseph DePencier and I am here representing Sport Canada and the Federal Government.

I just want to ask you a couple of questions about your conversation with the bobsledding coach and what may or may not have happened after that.

I understand that the coach's name was Mr. Kilburn?

A. Uh-huh.

Q. Was he one of a number of coaches at the camp?

A. He was, yes, one of the three coaches at the camp. And I think the Technical Director from the luge team was also involved in the doping control, but not as far as --

THE COMMISSIONER: What did you tell him that you took them to try to heal your wrist, is that what you explained to him?

THE WITNESS: Well, no, not just to heal the wrist. I mean I felt like my training was set back three months kind of thing. You know, the six weeks that I had to have the cast on and then another six weeks to get back into shape.

THE COMMISSIONER: So, you felt the Dianabol would help you sort of --

THE WITNESS: Yes, it was taken in order for me to get back into shape as fast as I possibly could, but I was under the impression that it would help heal and strengthen my wrist at the same time.

THE COMMISSIONER: As well?

THE WITNESS: Right.

MR. DePENCIER:

Q. Did you know Mr. Kilburn before this camp?

5 A. Yes, I had met him when I had first started bobsledding.

Q. So, he had coached you on previous occasions?

10 A. Yes. The first year he was involved with the B team or the junior team, so I didn't have a lot of contact with him in Europe. But I had met him at the camps and everything.

Q. Before you went to speak to him, do you know what his views were on steroid use?

A. I have no idea.

15 Q. He had never talked to you about steroid use either personally or in his capacity as a coach?

20 A. No, only the fact that they had brought up the random testing and had said sort of always mentioned that, you know, that we could be tested at any other camps.

25 Q. In that period in '84 and '85 at the outside of your career, did the coaches speak to athletes or educate athletes about the problems inherent in steroid use?

A. No. The only time that we had anything similar to that would be in the summer of '87, I think it was, when we were out in Calgary and the coaches had one of the doctors, our team doctor, out in Calgary come in and give a lecture on anabolics.

Q. However, I take it that you were aware that your sport association had an anti-doping policy?

A. Uh-huh.

Q. Including the possibility of being tested from time to time?

A. That's correct.

Q. I take it that you were aware that using anabolic steroids or other banned substance was against the rules?

A. Yes, I did.

Q. Now, was there any particular reason why you approached this coach to talk about your problem?

A. He was the only one in Ottawa. The other coaches were from Austria and Wales, England.

Q. I see. So, this was an international camp of some sort?

A. No, but our coaches were from different countries.

Q. Different nationalities?

A. Right.

Q. He told you that, I think to use your words, he said that you were on your own and he wasn't going to assist you --

A. Exactly.

5 Q. -- in avoiding the test.

THE COMMISSIONER: Well, I notice that Mr. Kilburn is the Technical Director Coach. Was he in charge of the doping control?

THE WITNESS: He was --

10 THE COMMISSIONER: According to one of the exhibits here that him --

THE WITNESS: Himself and Ben Morin were in charge of the doping control.

THE COMMISSIONER: All right.

15 MR. DePENCIER:

20 Q. Now, when you went to him, did you go to him on some sort of a confidential basis? Did you say I want to talk to you about something, but I will only do so if it doesn't go any further than this conversation?

A. Sure. I didn't want anybody else to find out.

Q. I take it that he gave you some sort of assurance that whatever you told him would go no further?

25 A. Yes, he did.

Q. As far as you understand, did Mr. Kilburn use the information any further? Did he go elsewhere with it?

A. As far as I know, no.

5 Q. So, you never heard either from him or anyone else from the bobsledding coaching group or from the association about this conversation?

10 A. No. The only thing that I can think of would be that he would have mentioned it to other coaches because when I got called for testing in Lake Placid they expressed some concern.

15 Now, I don't know whether it was because he had mentioned it to them earlier that there had been a problem or whether they were just concerned because I was going to be tested. But, I mean they expressed -- they had -- they expressed concern to me like wondering whether I was clean or not.

20 Q. So, I take it at the time you were selected for testing at the World Cup meet in Lake Placid before you went to actually give the sample you had conversations with one or more of your coaches then?

A. Yes, they just -- I mean --

THE COMMISSIONER: What year was that now we are talking about, '86, '87?

25 THE WITNESS: Yes, January of '86.

THE COMMISSIONER: Thank you.

THE WITNESS: January and February, '86.

MR. DePENCIER:

5 Q. The following season?

A. Right.

Q. And these coaches said something to you
that led you to believe that they were aware of your
previous conversations?

10 A. Well, that's the thing I am not sure.
I mean they mentioned it, one of the coaches, Malcolm
Lloyd asked me if I was clean. Now, I don't know whether
that was from Joey Kilburn saying that I had had a problem
earlier or whether he was just, you know, just asking.

15 Q. I take it in fairness that the other
coaches might express the same sort of concern to any of
the clean athletes?

20 A. I would say so, sure. Anybody that got
called for testing they might have asked the same
question.

Q. Aside from at times when you were
chosen for testing, had the coaches ever expressed any
concern previously at training camps or sessions about
whether you might or might not have used steroids?

25 A. No.

MR. DePENCIER: Those are my questions.

THE COMMISSIONER: Thank you.

MR. DePENCIER: Thank you very much, Mr.

Swim.

5 THE COMMISSIONER: All right, thank you for
your assistance. Any re-examination, Ms. Chown?

MS. CHOWN: No, thank you, Mr.

Commissioner.

10 THE COMMISSIONER: Thank you for your
assistance, Mr. Swim.

MS. CHOWN: Mr. Commissioner, our next
witness is Duncan Brownell who is just outside the hearing
room, if we might just call him.

15 DUNCAN JAMES BROWNELL: Sworn

THE COMMISSIONER: Thank you. Mr. Brownell.

--- EXAMINATION BY MS. CHOWN:

20 Q. I understand you live in the Oakville
area?

A. That's correct.

Q. You were born on June 22, 1959?

A. Right.

25 Q. Where did you attend high school?

A. Midland.

Q. Midland Collegiate in Scarborough?

A. No, in Midland, Ontario.

Q. All right. You obtained your grade 13

5 from Midland in what year?

A. '74-'75.

Q. I understand following your graduation
from high school you worked for a year?

A. Uh-huh.

10 Q. You then registered at York University
in the fall of 1980?

A. That's right.

Q. You attended York up to the spring of
1984?

15 A. Yes.

Q. What was your area of study?

A. Phys. ed. and sociology.

Q. Now, Mr. Brownell, I understand that
during the time you were at York University you were a
20 member of the York Yeoman football team?

A. That's right.

Q. In fact you had played a lot of
football as well as hockey and lacrosse in high school?

A. Right.

25

Q. And as well, you had done some weightlifting in the year you took off after high school?

A. Right.

Q. What was the position that you played at York during the four years you were on the team?

A. I was an outside linebacker.

Q. Did you also continue to do some power lifting during your years at York?

A. Yes, I did.

Q. Mr. Brownell, I'd like to turn to the question of steroids and ask you, first of all, whether as a high school athlete, in particular as a high school football player, you had any contact with or information about steroids?

A. In high school?

Q. Yes.

A. No, I didn't.

Q. Now in the year that you were out doing weightlifting following high school, did you begin to train in gyms at that point?

A. Yes, I did.

Q. All right. Did you hear any discussion of anabolic steroids while you were doing your training in gyms?

A. Yes, there is a lot of talk in gyms

about steroids.

THE COMMISSIONER: How old were you then?

THE WITNESS: 22.

5 MS. CHOWN:

Q. Were these gyms in the Toronto area or
elsewhere?

A. In the Toronto area.

10 Q. To your observation, were steroids, as
well, available for purchase in the gyms?

A. Yes. If you knew the right people to
look for, you could find them.

15 Q. When you attended York University in
the fall of 1980, you were familiar with or you had heard
about anabolic steroids. Had you taken any yourself?

A. Not up until then I hadn't, no.

Q. Focusing on the period that you were at
York between 1980 and '84, what contact did you have with
steroids while at York?

20 A. My first year, I approached a player
and asked him about steroids because I wanted to gain some
weight and strength.

Q. This was a player on the York team?

A. One of the players.

25 Q. Was it your information that this

player used steroids?

A. I don't think he used them himself, but he just knew about them.

Q. All right.

5 A. And he had suggested I go down to Dr. Artinian.

Q. What information, if any, did he give you about Dr. Artinian when you saw him?

10 A. He just said to go down and talk to him about purchasing steroids.

Q. Did you in fact -- let me step back here. What was your particular reason for wanting to inquire about steroids at that point?

15 THE COMMISSIONER: I think you said you wanted to increase your strength and weight --

THE WITNESS: And put some weight on.

THE COMMISSIONER: -- for an outside linebacker's position?

THE WITNESS: Right.

20 MS. CHOWN:

Q. Were you also interested in improving those qualities for your weightlifting?

A. Yes.

25 Q. Now just to put this in a time period,

do you recall when you first went to see Dr. Artinian?

A. I think it was my first year at York,
in the fall.

Q. It would be the fall of 1980?

A. '80, I think so, yeah, or '81.

Q. Can you describe for us your first
visit?

A. I went into the office. I gave him my
OHIP number, and I was taken into a waiting room.

Q. Were you alone or did you go with a
friend?

A. I was alone, and Dr. Artinian came in
and asked me what my particular sport was, and --

THE COMMISSIONER: Had you seen him before?

THE WITNESS: No, this was the first time.

THE COMMISSIONER: Did he ask you why you
were there or what you wanted?

THE WITNESS: I think he asked me what I
wanted, and I told him I was a football player and I was
interested in steroids, and I think he told me a certain
kind to use, and he gave me a shot.

MS. CHOWN:

Q. Did he take any medical history of you
on that first visit?

A. Not on the first visit, no.

Q. At some subsequent time?

A. Just my OHIP number, and I did go for a blood test.

5 Q. All right. Simply by a physical history, did he at any point in that first visit or subsequent visits review with you your prior health history?

A. No.

10 Q. On the first visit, did he carry out a physical examination of you?

A. No.

Q. Did he take any blood or urine from you for analysis?

15 A. No.

Q. Now you say there was some discussion of a drug. Did you go to Dr. Artinian with a particular steroid in mind?

20 A. Not really. I asked him what he thought the best one would be.

Q. What advice, if any, did he give you?

A. I think I got a shot of Depo-testosterone.

25 Q. Did you have any views of your own as to what dosage of steroid you were looking for?

A. Not really, no. I wasn't too familiar with the dosages involved. That's why I went to the doctor.

5 Q. Did you have any discussion with Dr. Artinian about the Depo-testosterone? In particular, did he tell you anything about the drug itself and any effects it might have on you?

A. He said it would give you some weight gain and some strength gain.

10 Q. All right. Did you have any general discussion with him about steroids apart from the discussion you've described about Depo-testosterone?

A. Not really. He's usually a very busy man.

15 Q. On that first visit, as far as you can recall, did you receive an injection?

A. Yes, I did.

Q. Did you make a payment to Dr. Artinian for that injection?

20 A. I believe I did.

Q. Do you recall how much?

A. I can't really recall the exact amount.

Q. Do you recall the dosage you received?

A. I think it was two or three cc's.

25 Q. Following that first visit to Dr.

Artinian, did you continue to go back and see him?

A. Yes, I did.

Q. At what frequency?

A. Every week.

5 Q. What was the purpose of your visits?

A. To get a shot of the same

Depo-testosterone.

Q. Over what time period do you recall
going to see Dr. Artinian?

10 A. I think it was over the whole school
year that year.

THE COMMISSIONER: Did you pay him every
time?

THE WITNESS: Yes, sir.

15 THE COMMISSIONER: By cheque or by cash?

THE WITNESS: Cash.

MS. CHOWN:

20 Q. Over the time period of taking the
Depo-testosterone, did you receive any tablets from Dr.
Artinian to take as well?

A. I think I bought some Metandren tablets
too.

Q. Metandren tablets?

25 A. Right.

Q. Was that something that you asked Dr. Artinian for?

A. Yes.

5 Q. How had you heard about Metandren tablets?

A. Just around rumors or, you know, hearsay around the gym.

Q. You were receiving the injection as well as taking the tablets?

10 A. Right.

Q. What dosage of tablets were you taking?

A. I think they were 25 milligram tablets, and I was taking three a week, four a week.

15 Q. Apart from the tablets you've talked about and the injections you were receiving from Dr. Artinian, were you taking steroids from any other sources during the same time period?

A. No, I wasn't.

20 Q. Did Dr. Artinian provide you with a prescription for the tablets?

A. No.

Q. Did he give you a vial of tablets?

A. A bottle.

Q. And you paid him for that vial?

25 A. Right.

Q. Did you notice any effects as a result of taking both the injections and the tablets?

A. Yes. Some strength gain; weight gain from water retention. It irritated my skin a little bit.

5 Q. You got acne?

A. A little bit.

Q. Did you stop seeing Dr. Artinian at a certain point?

A. Yes, I did.

10 Q. Why was that?

A. Just -- I think I went back to Midland that summer, and I just discontinued going to his office.

THE COMMISSIONER: Over how many weeks? Did you just go one series of visits one year, or was it more than one year?

15 THE WITNESS: When I came back the next year to school, I think I went back and saw him again.

THE COMMISSIONER: I see. Well, I don't understand the question then, Ms. Chown.

20 MS. CHOWN: All right. Well let me just follow through.

THE COMMISSIONER: He went back the next year. He stopped and went back to Midland, obviously.

MS. CHOWN: That's right.

25

MS. CHOWN:

Q. So Midland was where your home was for the summer?

A. Right.

5 Q. Did you continue to take -- I'm sorry. Did you continue to see Dr. Astaphan --

A. Astaphan?

Q. I'm sorry -- Dr. Artinian throughout the period of time that you were at York University?

10 A. Off and on, yeah.

Q. Would it be particularly with a view to obtaining steroids prior to the fall football season?

THE COMMISSIONER: Well during the season, I guess you were taking it?

15 THE WITNESS: During the season.

MS. CHOWN:

Q. Following the football season, did you continue to see him to receive further injections?

20 A. I think the next year I stayed in Toronto and I continued to go to his office the summer holidays too.

Q. So on and off during the year, both at football season and after, you would be on various cycles of steroids throughout the year?

25

A. Right.

Q. Did you continue to stack the tablets with the injectables during these years?

A. Usually.

5 THE COMMISSIONER: How was the fee set? Was it a set amount for the injections and a set amount for the tablets, or how did you pay him?

THE WITNESS: Yeah. For each different drug, there was a different price.

10 THE COMMISSIONER: Did you pay him always by cash?

THE WITNESS: Always by cash.

THE COMMISSIONER: For the tablets as well as for the injections?

15 THE WITNESS: Yes, always by cash.

THE COMMISSIONER: At any time did he give you a physical examination at all? Did he put you on the table?

20 THE WITNESS: I went for a blood test at one point and had a blood test done, and I had a low blood sugar, but I never followed up on it after that.

THE COMMISSIONER: Did you go there at the request -- he sent you to a lab, did he?

THE WITNESS: Downstairs.

25 THE COMMISSIONER: In his building?

THE WITNESS: In his building.

THE COMMISSIONER: Only the once?

THE WITNESS: Only the once.

THE COMMISSIONER: And how many years did

5 you see the doctor? You played football for four years,
did you, or three years?

THE WITNESS: I think maybe two,
two-and-a-half years.

10 THE COMMISSIONER: How many years did you
play football?

THE WITNESS: Four.

THE COMMISSIONER: Did you always go alone,
or did you go with anybody else?

15 THE WITNESS: I usually went alone;
sometimes with a friend.

THE COMMISSIONER: Did the friend also get
injections too? Was he a football player friend?

THE WITNESS: I'm not sure if he got
injections. He'd go in the room by himself.

20 THE COMMISSIONER: I see. Thank you.

MS. CHOWN: Mr. Commissioner, Mr. Hughes
has provided us with a copy of Mr. Brownell's medical
records from Dr. Artinian.

25 THE COMMISSIONER: Has he consented to this
being released?

MS. CHOWN: Yes, he has.

MR. CHOWN:

Q. Mr. Brownell, that indicates that the
5 last time, as recorded on Dr. Artinian's records, that you
saw him would have been the end of May, May 30th, 1985.
Does that accord with your recollection?

A. It's pretty hard to remember exactly
the dates that I went down there. It was quite a while
10 ago, but whatever he has on his record, then that's
probably correct.

Q. I note as well, actually, the first
date that he has on his records is January of 1984. Do
you in fact recall seeing him prior to that date?

A. I'm pretty sure I did.

15 THE COMMISSIONER: '84 would be your last
year of football?

THE WITNESS: Yes.

THE COMMISSIONER: Had you been there
20 before?

THE WITNESS: Yes, I think so.

MS. CHOWN:

Q. Following the spring of 1985, which is
25 your last recorded visit to Dr. Artinian, did you continue

to take anabolic steroids?

A. Off and on, but not from Dr. Artinian.

Q. Why did you not return to Dr. Artinian?

A. It usually took two or three hours to

5 wait in his waiting room, and it was just too much hassle.

Q. Where did you then turn to for your

supply of steroids?

A. Usually the black market; people in the
gym.

10 Q. Did you have any concern that you were
receiving legitimate or not bogus drugs when you purchased
them in the gyms?

A. Yes, I did. I wasn't sure. You know,
I could never tell if they were really real or not.

15 Q. Now just looking again at the time that
you were playing football for York during the period 1980
to 1984, first of all, can you tell me who your coaches
were during that period?

A. My first coach was Dave Pickett and
20 then Frank Cosentino and Knobby Wirkowski.

Q. Were you aware of their position on the
use of steroids by football players?

A. Yes, they were against it.

Q. Did they make their views known to the
25 players on the team?

A. Yes.

Q. During the time period that you were a member of the team, were there any formal sessions held by the coaches or anyone else at York to discuss the topic of steroids?

A. No.

Q. Were you aware at all, Mr. Brownell, of the policy of the CIAU with respect to steroid use by players?

A. No.

Q. Now in your own years as a member of the York Yeomen, did you form any impression yourself --

THE COMMISSIONER: Well, Ms. Chown, we've had several witnesses testify to that. I don't think we need to pursue that

MS. CHOWN: Okay, then, those are the questions I have for Mr. Brownell.

THE COMMISSIONER: Mr. Hughes?

MR. HUGHES: Thank you, Mr. Commissioner.

THE COMMISSIONER: Do we have a copy of those records you say that Mr. Hughes has supplied you with?

MR. HUGHES: I have a copy of them here, Mr. Commissioner. Would you like to see them?

THE COMMISSIONER: There was some reference

to them. I would just like to see them, if I can. It need not be an exhibit unless you want to make it one.

--- EXAMINATION BY MR. HUGHES:

5 Q. Mr. Brownell, there seems to be a bit of confusion as to when it was you actually saw Dr. Artinian. I take it your recollection, given that it was several years ago, is a little bit fuzzy?

A. Probably.

10 THE COMMISSIONER: Well, is it that fuzzy over several years? This record indicates that you weren't there until '84.

MR. HUGHES: That's correct, Mr. Commissioner. That's where I was going with that.

15 THE COMMISSIONER: You were playing football from '80 to '84. '84 is your last year. Wasn't it only the last year of your career that you went to Dr. --

THE WITNESS: '84-'85 was my last year.

20 THE COMMISSIONER: Did you play in '85?

THE WITNESS: I think so, yes.

THE COMMISSIONER: I thought you said you were at York from 1980 to 1984?

THE WITNESS: '84-'85 was my last season.

25 THE COMMISSIONER: I'm sorry, Mr. Hughes.

Go ahead.

MR. HUGHES:

5 Q. Thank you, Mr. Commissioner. To try
and get some sort of time frame on it, can you tell me
when it was that you went for the blood work? Was that
near the time that you began seeing Dr. Artinian, sort of
at the start of that period?

A. Yes.

10 Q. All right. Well the records that I
have from Dr. Artinian's file indicate that you went for
the blood work on March 1st, 1984?

A. M'hmm.

15 Q. So would it be fair to say that you
probably started seeing Dr. Artinian in January of 1984?
Would that be fair?

A. I thought I'd gone for at least two or
three or four months before I went for the blood test.

20 Q. Well, that would fit, then, a few
months before March of '84?

A. I thought it was earlier than that,
but --

Q. But you don't remember?

A. I can't recall, no.

25 Q. Do you have any notes that you made

contemporaneously with the visits of Dr. Artinian?

A. No.

Q. Or did you keep anything that would help you with the dates?

5 A. No.

Q. Do you remember exactly what was said and discussed on your visits with Dr. Artinian?

A. When I would go into his office?

10 Q. Yes. I'm not asking you what those discussions were at the moment. I'm asking you whether you have a clear recollection of what was said and discussed?

15 A. In his office I'd ask him for a certain drug and he would tell me the cost, and then he would go out of the office and bring it back.

Q. And that's it, as far as you can recall?

A. That's basic basically it.

20 Q. What I'd like to do is go through some of Dr. Artinian's notes with respect to the visits with you to see if that might help you in your recollection of the dates and the type of anabolic steroid and what may or may not have been discussed. Is that all right?

A. Yeah.

25 Q. The first note that I have indicates

that you saw Dr. Artinian on January the 17th, 1984.
We've already talked about the possible discrepancy in the
dates and your recollection about that. Would it be fair
to say that at that point you wanted to increase your
5 muscularity?

A. That's fair, yeah.

Q. Can you remember at that point that you
told Dr. Artinian that you had no history of hypertension,
hepatitis, rheumatic heart disease or aggressive behavior?

10 A. I can't recall that, no.

Q. Is that possible?

A. Sure, it's possible.

Q. Can you recall that at that time Dr.
Artinian listened to your heart and your chest with a
15 stethoscope while you were sitting in his examination
room?

THE COMMISSIONER: This is said to be the
first visit you had with him; you understand that?

THE WITNESS: Yes. I can't recall him
20 listening to my heart, no.

MR. HUGHES:

Q. Is it possible?

A. Anything is possible.

25 Q. Well, I don't want to be unfair to you.

The notes say that he did. Are you saying that he didn't?

A. I can't recall.

Q. Do you recall that he felt your
abdomen?

A. No.

Q. He didn't or you don't recall?

A. I don't recall.

Q. Do you recall that he checked your
testicles?

A. He didn't do that.

Q. You're certain of that?

A. Yes, sir.

Q. When you had these shots, as you
describe them -- we'll get to those later -- of the
anabolic steroid, where did you receive those shots?

A. In the glutes.

Q. So you had your pants off?

A. Yes, sir. Well not completely off, no.

Q. Do you recall him checking to see
whether you had any swelling in your ankles or feet, and
by that, I mean simply by pressing above your ankle with
his finger? Do you recall that?

A. No.

Q. Is it possible he did that?

A. No.

Q. It's not possible? So if his records say that, they're wrong?

A. Could be.

THE COMMISSIONER: I can't read this writing very well. Is that all --

MR. HUGHES: I've, over the last few days, Mr. Commissioner, done a little interpretation of what the notes say. I'm happy to give you my translation, if you like.

THE COMMISSIONER: I'll take your statement, if that's what you say it is.

MR. HUGHES: The notes say "no edema" right before the blood pressure readings, which we're going to check, and my very unprofessional medical knowledge of that is that that's some sort of swelling in the ankles which can be checked in the ankles and feet.

MR. HUGHES:

Q. Do you recall your blood pressure being taken either by Dr. Artinian or his assistant?

A. I think it was.

Q. So if there is a blood pressure reading there, it's likely they checked your blood pressure?

A. Right.

Q. Do you recall your weight being taken?

A. No.

Q. So if I said to you that in January of 1984 there is a weight recorded for you of 85 kilograms, you don't know where that came from?

5

A. No. My blood pressure was taken downstairs when I went for the blood test, I think.

Q. How much did you weigh in January of 1984, if you can recall, approximately?

A. 195 pounds.

10

Q. So that's in and about 85 kilograms?

A. If you say so.

Q. Well we can all do the mathematics, but that seems to work out about right. Do you recall Dr. Artinian suggesting that you go on a high protein diet and that you get some blood work at the time of the first visit?

15

A. I don't recall that, no.

Q. The notes say you went back to Dr. Artinian at the end of January, 1984?

20

THE COMMISSIONER: Is there any record here of any treatment being given?

MR. HUGHES: The record that's indicated is what I just asked the witness about, and that is it says high protein diet, blood work and investigation.

25

THE COMMISSIONER: But that indicates no

prescribed medication?

MR. HUGHES: That's correct.

MR. HUGHES:

5 Q. To follow up on the Commissioner's question, I take it that you disagree that you received an injection of something the first time that you visited Dr. Artinian?

10 A. That I didn't get an injection the first time?

Q. Your recollection is that you did.

A. I did, right.

Q. Because the notes indicate that you didn't.

15 A. I did.

Q. These notes state that you saw Dr. Artinian on January 31st, 1984, and that he asked you whether the tests had been carried out, and you said that you'd been busy and you didn't like to have your blood drawn out. Do you remember a discussion like that?

A. No, I don't.

Q. Do you recall him again checking the sinus rhythm of your heart, checking your chest with a stethoscope, checking your abdomen and testicles; do you remember that?

25

A. No.

Q. Do you recall him taking your blood pressure or his assistant taking your blood pressure on that visit?

5 A. No.

Q. And I take it, again, you don't recall your weight being taken?

A. No.

10 Q. So that if these things are in Dr. Artinian's notes, these procedures, then in your view it's wrong?

A. My recollection of the events.

15 Q. Now you said, I believe, in your evidence that you got Depo-testosterone from Dr. Artinian; is that right?

A. Yes, sir.

Q. Are you certain about that?

A. That's what he told me.

20 Q. Well is it possible that what you got was Deca-Durabolin?

A. No.

Q. That's not possible?

A. I don't think so.

25 Q. So that if the notes, Dr. Artinian's record of your visit say you got Deca-Durabolin, then

they're wrong?

THE COMMISSIONER: Is that an injection,
Deca-Durabolin, or is that a pill?

MR. HUGHES: Its an injectable.

5

MR. HUGHES:

Q. It's an injectable as is
Depo-testosterone; correct?

10

A. I received Deca-Durabolin from Dr.
Artinian at another visit but not at first.

Q. Well, this is the first time you've
indicated that you got that. In answer to Ms. Chown's
question, you said that you took Depo-testosterone --

A. And Metandren.

15

Q. -- and Metandren. So you now remember
that you got another one?

A. Yes, sir.

20

Q. Can you tell me whether -- and this
note indicates that you did get an injection on the
January 31st visit of 100 milligrams of Deca-Durabolin.
Do you know how much that is?

A. A hundred milligrams?

Q. Yes.

A. Do I know how much it is?

25

Q. Yes. In terms of the vial size, do you

know how much that is?

A. Basically.

Q. Would it be fair to say that you would
get half a vial of the steroid that you were getting? We
5 can leave it for the moment which one exactly it was.

THE COMMISSIONER: Well, Deca-Durabolin is
a steroid as well?

MR. HUGHES: Yes, it is.

THE WITNESS: Okay.

10 MR. HUGHES:

Q. Is that about right?

A. Yeah.

THE COMMISSIONER: I'm sorry, what's the
15 point you are making?

MR. HUGHES: The point that I was making
was that Mr. Brownell was getting half a vial of
Deca-Durabolin. I think you will find in the evidence of
Dr. Artinian, if and when he's called, that those came in
20 200 milligram vials and therefore he was getting a
hundred, which his notes reflect.

THE COMMISSIONER: All right, thank you.

MR. HUGHES:

25 Q. Do you recall at that time of getting

your first shot of Deca-Durabolin or, as you say, Depo-testosterone, that there were side effects of the steroid discussed with you?

A. Yes.

5 Q. They were?

A. Yes.

Q. Do you recall Dr. Artinian giving you the empty package or the box that the vial came in to show you what it was you were getting?

10 A. Yes, I recall that.

Q. But you don't recall exactly what it said on it, because we're a little unclear about which steroid it was?

15 A. No, I asked him for testosterone, not for Deca-Durabolin, when I first went there.

Q. Do you recall whether the package itself contained a pamphlet or a leaflet that discussed the drug and the effects of it?

20 A. They usually do, with the pamphlet in them.

Q. Did you read that?

A. No.

Q. But it was there for you to read?

25 A. Sometimes he would come with a needle without a package or without a bottle, just the syringe

already full of the drug.

Q. Well, you've just indicated to me that he did give you --

A. At certain times. Not every visit. I was there more than once or twice.

Q. I appreciate that, and we will get to those. What I'm asking you is: Did you avail yourself of the opportunity, either at this time or some other time, to check the pamphlet to see what it said about the drug?

A. I read the pamphlet before.

Q. Was this while you were seeing Dr. Artinian?

A. Yes.

Q. Thank you. Do you recall Dr. Artinian telling you that you shouldn't take alcohol while you were taking this injectable steroid?

A. No. I don't recall that, no.

Q. So if his notes say that he did tell you that, they're wrong?

A. I don't recall him saying that to me.

Q. Now with respect to the blood work, I take it you acknowledge that you did get some blood work done?

A. Yes, I did.

Q. And that you got a protein pattern in

your blood checked; do you remember that?

A. Yes.

Q. Did Dr. Artinian go through with you the results of the blood work that you had done?

5 A. No.

Q. Do you recall him telling you that there was any abnormality in any of the blood work that was done?

A. He said I had low blood sugar.

10 Q. Do you recall being tested for syphilis as well?

A. No.

Q. So if there is a record in there of that test, then that's something that you are unaware of?

15 A. That's right.

Q. And those records indicate that that testing was done in March of 1984 at or by Park-Med Laboratories?

A. M'hmm.

20 Q. Does that accord with your recollection?

A. Yes.

Q. Now there appears to be a bit of a break in the action from Dr. Artinian's records of your visits because the next one is indicated to have occurred

25

in December of 1984?

THE COMMISSIONER: That's what I want to hear. The football season of '84, you started training when?

5 THE WITNESS: In August, late August.

THE COMMISSIONER: August. And the season is over by December?

THE WITNESS: Right.

10 THE COMMISSIONER: According to Dr. Artinian's records, you weren't there during the football season at all?

THE WITNESS: Like I said, his records are probably better than my memory, and if he says I was there in December, I was probably there in December.

15 THE COMMISSIONER: I thought you said during the football season you attended the doctor's office?

20 THE WITNESS: Sometimes I would go to the doctor's and sometimes I would just find it myself from the gym.

THE COMMISSIONER: So you didn't go to him during the whole football season?

THE WITNESS: I can't recall.

25 THE COMMISSIONER: But I thought you said you were getting injections about once a week during the

football season?

THE WITNESS: I usually was.

THE COMMISSIONER: Did some of your friends
give you injections as well?

5 THE WITNESS: I did it myself.

THE COMMISSIONER: Where did you get the
drugs, then?

THE WITNESS: The black market.

THE COMMISSIONER: I see. Thanks, Mr.
10 Hughes.

MR. HUGHES:

Q. So this was at the time that you had
started seeing Dr. Artinian. If there was a break during
15 the entire period of time you went to see him, you were
likely getting steroids on your own and injecting
yourself?

A. Probably.

Q. So if you went back to Dr. Artinian in
20 December of 1984 -- do you recall that, in the winter of
1984, going to see Dr. Artinian?

A. I think so, yeah.

Q. Do you recall discussing the results of
the tests that you had conducted earlier that year?

25 A. We wouldn't really discuss any results

of any tests. I would be in and out of his office in two or three minutes. With a cash transaction, I'd be out the door.

Q. I'm a bit curious about the cash
5 transaction. Were you expecting to get an anabolic steroid for nothing?

A. Usually OHIP, if a doctor prescribed a drug to you without a prescription.

10

15

20

25

Q. So, your understanding is that the
doctor --

THE COMMISSIONER: He thought OHIP would
pay it; is that you said, you thought OHIP would do it?

5 THE WITNESS: I thought they would.

THE COMMISSIONER: I am sorry, I didn't hear
what you said.

THE WITNESS: OHIP.

10 THE COMMISSIONER: I see. You said
something about --

MR. HUGHES:

Q. That is your understanding?

A. That is my understanding.

15 Q. So, if Dr. Artinian wasn't billing OHIP
for the medication that he was giving you, then it would
seem reasonable to you that you would pay for it, wouldn't
it?

A. Right.

20 Q. Do you recall when you went to see Dr.
Artinian in December of 1984 that he had again checked
your heart and your chest and took your blood pressure?

A. I don't recall that, no.

Q You don't recall that.

25 THE COMMISSIONER: What date? I am sorry,

what date was this now?

MR. HUGHES: December 10, 1984.

THE COMMISSIONER: All right, thank you.

5 MR. HUGHES:

Q. You don't recall?

A. No.

Q. It is possible?

A. It is possible.

10 Q. Do you recall that he took your weight
at that time?

A. No.

Q. And he gave you another half a vial of
what you say was Depo-Testosterone and what his records
15 say is Deca-Durabolin?

A. Yes.

Q. Do you recall that?

A. I think so.

20 THE COMMISSIONER: I think at one time you
said you did get Deca-Durabolin from the doctor?

THE WITNESS: I did at one time, yes.

THE COMMISSIONER: Or more than once,
perhaps?

25 THE WITNESS: It could have been more than
once.

MR. HUGHES:

Q. In March of 1985, specifically March 9, '85, do you recall seeing Dr. Artinian about a chest cold?

A. No.

5 Q. So that if Dr. Artinian's records indicate that you did visit him for a chest cold and that he prescribed Amoxil, that's wrong?

A. That's totally wrong.

10 Q. I see. Do you recall seeing Dr. Artinian sometime in the spring of 1985, perhaps April 22nd?

A. I think so.

15 Q. Do you recall at that time expressing to him that you were somewhat satisfied with the results of the medication, but that there was still room for improvement. Do you recall a discussion like that?

A. No, I don't.

20 Q. Do you recall him again checking your heart and chest and feeling your abdomen?

A. No, he didn't -- I don't recall.

Q. He didn't or you don't recall it?

A. I don't recall it.

Q. Do you recall him taking your blood pressure?

25 A. No.

Q. Do you recall getting another injection at that point in time?

A. Yes. Every time I went I received an injection.

5 Q. Half a vial?

A. Usually two cc's.

Q. My understanding is that --

THE COMMISSIONER: Do you know when these notes were prepared, Mr. Hughes?

10 MR. HUGHES: My information, Mr. Commissioner, from Dr. Artinian is that they were prepared contemporaneously with the visits.

THE COMMISSIONER: All right. Okay.

15 MR. HUGHES:

Q. Now, I just was conferring because I am not too clear myself on some of the sizes that various medication comes in.

20 Do you know what, in terms of vial size, what two cc's? Is that one vial or a half a vial, or what is your understanding?

A. Half a vial.

Q. So, if a vial contained --

A. They are all different sizes.

25 Q. If an entire vial of this stuff

contained two cc's, then you would revise your answer to indicate that you got one cc, is that right, because you got half a vial?

A. Sometimes.

5

THE COMMISSIONER: Does it say why the Deca-Durabolin was being prescribed at all? I am trying to --

MR. HUGHES: Only, Mr. Commissioner, I think that the constant reference to the physique problem.

10

THE COMMISSIONER: I see, thank you.

MR. HUGHES: You are welcome.

THE COMMISSIONER: All right.

MR. HUGHES:

15

Q. Do you recall seeing Dr. Artinian in May of 1985, and his record indicates May 7, 1985

A. May 7. Okay.

Q. That seems reasonable?

A. Sure.

20

Q. Do you recall telling him at that point that your appetite had decreased?

A. No.

Q. Do you recall again him checking --

25

THE COMMISSIONER: I am sorry, what were you doing in May of '85? You weren't in school then, were

you?

THE WITNESS: No, sir.

THE COMMISSIONER: Pardon?

THE WITNESS: No.

5 THE COMMISSIONER: What were you doing?

THE WITNESS: Working.

THE COMMISSIONER: Working. Were you
weightlifting?

THE WITNESS: Yes, sir.

10 THE COMMISSIONER: I see. Go ahead, Mr.
Hughes.

MR. HUGHES:

15 Q. Do you recall at that time again Dr.
Artinian checking your sinus rhythm of your heart,
checking your abdomen, your testicles for swelling?

A. No.

Q. Those types of tests that we discussed
earlier?

20 A. No, he never did that.

Q. You don't think so. Do you recall at
that point being prescribed a vitamin B compound?

A. No.

25 Q. Taking an intramuscular injection of a
vitamin B compound; you don't remember?

A. No.

Q. COBA 12, does that make any sense to you?

A. No.

Q. So, if it says that, that's wrong?

A. I have never taken that.

Q. Do you recall seeing Dr. Artinian twice more in May of 1985? Does that make some sense to you?

A. Yes.

Q. And I take it --

THE COMMISSIONER: I am sorry, he said "yes"?

MR. HUGHES: He said "yes".

THE COMMISSIONER: Thank you, I was thinking of something else.

MR. HUGHES:

Q. I take it again you don't recall whether he did these various routine tests that are indicated in his notes, the checking, you don't recall?

A. I can recall that, and he didn't do it.

Q. And you received an injection again of a half a vial of either Deca-Durabolin or Depo-Testosterone?

A. Yes.

Q. Can you say for sure what it was?

A. No.

Q. And I don't have any indication in the notes, Mr. Brownell, that you received any oral anabolic steroid at all?

A. No.

Q. No?

A. Okay.

Q. Is that fair?

A. I did receive them.

Q. From Dr. Artinian?

A. They are maybe not in the records, but I did receive them.

Q. From Dr. Artinian?

A. Yes.

Q. You are not confusing this, and I am trying to be fair about it, you are not confusing this with receiving anabolic steroids of one form or another from other sources, like the black market, like other people on the team, something else?

A. No.

Q. You have indicated that you did?

A. No, because I had never seen the drug Metandren anywhere else except from Dr. Artinian's office.

Q. And do you recall exactly when it was

that you received that from Dr. Artinian?

A. No, I don't.

Q. And I take it you don't have the empty bottle of Metandren around?

5 A. No.

Q. Did you ever indicate to Dr. Artinian on any of the visits that you -- of any complaints that you had with respect to the anabolic steroid that you were being injected with?

10 A. No.

Q. So, you didn't have any complaints?

A. No.

Q. Can you tell me exactly what treatment it was that you expected to receive? I am not sure from the tenure of your evidence whether you thought you should be receiving treatment in addition to what Dr. Artinian gave you or not?

15 A. No, I didn't expect any other treatment at all. I had just gone there for the purpose to purchase a steroid.

Q. You didn't indicate any complaints?

A. No.

Q. And I think you told us that your reasons for leaving Dr. Artinian related to the length of time that you had to wait to see him, is that right?

A. Yes.

Q. And it wasn't because you were dissatisfied with the treatment you were receiving from Dr. Artinian, was it?

5 A. No.

Q. And after you finished seeing Dr. Artinian, which his notes indicate was at the end of May 1985, you continued to receive anabolic steroids from other sources; is that correct?

10 A. Yes.

Q. Could you get them cheaper elsewhere?

A. Yes.

Q. Is that another reason for the switch?

A. Partially.

15 MR. HUGHES: Thank you. Those are all my questions.

THE COMMISSIONER: Thank you, Mr. Hughes. Any questions? Any re-examination?

20 MS. CHOWN: No, thank you, Mr. Commissioner.

THE COMMISSIONER: All right. Well, thank you, Mr. Brownell.

We will take our morning break now.

25 --- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Hughes, I think
since there is so much reference to these documents, I
5 think we should file the original as an exhibit.

MR. HUGHES: No problem with that at all,
Mr. Commissioner.

THE COMMISSIONER: Because we have had
detailed discussion on them.

10 THE REGISTRAR: 233, Mr. Commissioner.

THE COMMISSIONER: That's the one on Mr.
Brownell?

MR. HUGHES: That's Mr. Brownell, yes.

THE COMMISSIONER: What number, please.

15 THE REGISTRAR: 233.

THE COMMISSIONER: Thank you. All right.

--- EXHIBIT NO. 233: Notes of Dr. Artinian re Duncan
Brownell

20

MS. CHOWN. Thank you, Mr. Commissioner.
Our next witness is Shane Oldfield. He is present and
ready to be sworn.

JULIAN GUY SHANE OLDFIELD: Sworn

25 THE COMMISSIONER: Were these notes in some

sort of a book? They seem to be a looseleaf binder. Was there a binder for them?

MR. HUGHES: No, those are how the notes are kept. They are not in a binder. That's just the type of paper that is used.

THE COMMISSIONER: In the file of the patient, is that how it is kept?

MR. HUGHES: That is correct.

THE COMMISSIONER: Thank you. All right.

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Oldfield, I understand that at the present time you live in Stouffville, Ontario?

A. That's correct.

Q. You are employed with the Federal Government?

A. Yes.

Q. Prior to attending university, you attended high school at George Vanier Secondary School in Toronto?

A. That's correct.

Q. You obtained your grade 13 from that school in 1982?

A. Approximately, yes.

THE COMMISSIONER: Excuse me, what number

was that?

MS. CHOWN: 233.

THE REGISTRAR: 233.

THE COMMISSIONER: Thank you. All right,

5 go ahead.

MS. CHOWN:

Q. Following your graduation from high
school, Mr. Oldfield, I understand that you attended both
10 the University of Western Ontario and the University of
Toronto?

A. Yes.

Q. You were at Western between 1983 and
'85, and at the University of Toronto between 1985 and
15 '87?

A. That's correct.

Q. You obtained a degree in 1987, did you,
from the University of Toronto?

A. '88.

20 Q. '88?

A. Yes.

Q. What is your subject area?

A. Sociology.

Q. Your current plans are to return to the
25 College of Education in Toronto to train for a teacher?

A. Yes, Faculty of Education.

Q. Have you been accepted at the faculty
as of September of this year?

A. Yes, I have.

5 Q. All right. Now, I understand --

THE COMMISSIONER: Is that OISE? You are
at OISE, I understand?

THE WITNESS: No, Faculty of Education, I
think OISE is for --

10 THE COMMISSIONER: What university?

THE WITNESS: University of Toronto.

THE COMMISSIONER: Thank you.

MS. CHOWN:

15 Q. When you were at the University of
Western Ontario between 1983 and 1985, I understand you
were a member of the football team there?

A. Yes, first year, yes.

Q. Is that the Mustangs?

20 A. Yes.

Q. What position did you play your first
year?

A. Wide receiver.

Q. The second year that you were at
25 Western you did not play because you were injured?

A. That's correct.

Q. And the third year you switched to the University of Toronto?

A. Uh-huh.

5 Q. So, for the football season commencing 1985 you were a member of the University of Toronto Blues team?

A. That's correct.

10 Q. Now, I want to take you to the question of steroids, Mr. Oldfield, and ask you first of all what was your first contact with or exposure to anabolic steroids?

A. My first contact was in 1985 when I transferred to the University of Toronto.

15 Q. And when you had been in high school as a football player and at the University of Western Ontario were you aware of steroid use in either of those two situations?

A. No, I was not.

20 Q. Now, as you have told us you were switching to the University of Toronto and hoping to make the University of Toronto Blues?

A. That's correct.

25 Q. How did it come about that you had a contact with steroids in 1985?

A. Well, I was playing or planning on playing junior football at that time with the team, I think, called the North York Cowboys. And a friend of mine from high school, who was playing on the team, decided to go ahead and use steroids. And I felt that that would enhance my ability for the University of Toronto in the fall. So, I decided to, you know, try them at that time.

Q. And where did you go to get steroids?

A. Dr. Artinian.

Q. How had you heard about Dr. Artinian?

A. I can't really recall how I heard. I think the name was -- you know, certain people had heard his name. And this one friend of mine had heard his name and I think he had been on one visit prior. And so, you know, he suggested that I go down with him to Dr. Artinian.

Q. Again with your consent, Dr. Artinian has produced his records on you. And the first --

THE COMMISSIONER: Well, you might ask him his own recollection first before you produce the records.

MS. CHOWN:

Q. You indicated to us that sometime in 1985 before the fall football season you made this

decision that you wanted to take anabolic steroids?

A. That's correct.

Q. Do you recall yourself when your first visit with Dr. Artinian took place?

5 A. Originally I had thought it was sometime in the spring. However, according to his records, and I think he might be correct on this point, that it was in July.

Q. You are talking about 1985?

10 A. Yes, that's correct.

THE COMMISSIONER: Were you in training in July? When does the football training season start?

THE WITNESS: Well, I think training is all year-round.

15 THE COMMISSIONER: I understand.

THE WITNESS: However, the actual training camp --

THE COMMISSIONER: Yes, spring training camp was when?

20 THE WITNESS: Well, spring training camp --

THE COMMISSIONER: Would be earlier?

THE WITNESS: I didn't go at that time because I was not a member of the University of Toronto. I transferred. That's usually in April, however the --

25 THE COMMISSIONER: In July, though, were

you --

THE WITNESS: -- fall camp usually starts
in end of August.

THE COMMISSIONER: End of August?

5 THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

MS. CHOWN:

10 Q. Did you go alone on your first visit to
Dr. Artinian?

A. No, I went with a friend of mine.

Q. Tell us, please, if you will what you
recall of that first visit.

15 A. Well, I went down to the office, I
think it was on Bloor by Christie. We waited in a waiting
room for a number of hours. We finally got to see Dr.
Artinian. At that time, he asked me what I wanted. I
explained to him that I wanted -- I wanted to inquire
about steroids because I was looking to get bigger and
20 stronger.

Q. Did you tell Dr. Artinian that you had
been a member of the football team at Western and you were
now transferring to University of Toronto?

25 A. Yes, I had let him know that I was a
football player.

Q. And that the reason you wanted to get bigger and stronger, as you put it, was to further your football?

A. That's correct, yes. So, at that time I inquired as to what was the best steroid to use and certain side effects and things like that.

Dr. Artinian suggested a drug called, I think it is, Deca-Durabolin. And I said, that's fine. I mean I didn't know any better. And he left the room, came back, gave me the shot, and then I was out. I paid him cash, and I was charged OHIP.

Q. Do you recall then, just so we are absolutely clear, your recollection is that you received an injection of Deca-Durabolin on the first time that you visited Dr. Artinian?

A. Yes, I think so, yes.

Q. You mentioned that you raised some questions with him about side effects?

A. Uh-huh.

Q. What discussion do you recall having with him on side effects?

A. The best of my knowledge, I had asked him about what side effects would there be. You know, would I get acne or what not. And he didn't really elaborate. He said, no, no, this is -- you know, I was

really concerned about, you know, my health and making sure the drug was safe. And he basically stated at this time that the --

THE COMMISSIONER: Would he indicate then
5 how often you were to take it. You had one injection that first visit?

THE WITNESS: Yes, it would be taken once every two weeks.

THE COMMISSIONER: And you were to go back
10 to him to get that?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: Thank you.

MS. CHOWN:

15 Q. Do you recall on that first visit to Dr. Artinian about whether any physical examination was carried out?

A. I cannot recall, no. I -- he did take my blood pressure, I can remember that. But I don't
20 recall any other testing being done, whether it be, you know, chest or things like that, I don't recall.

Q. And do you recall providing any samples of blood and urine for laboratory analysis?

A. I do not recall.

25 Q. You have stated that you recall getting

an injection of Deca-Durabolin?

A. That's correct.

Q. Do you know or were you aware of the dosage you received?

5 A. No idea.

Q. You don't recall it?

A. I don't recall. I know it was in , you know, in a needle. It was a liquid in there. I don't know whether it being two cc's or whatever, I had no idea.

10 Q. And how were things left with Dr. Artinian after your first visit? That is, did you intend to return? Was there a plan set up?

A. There was no plan set up, no.

15 THE COMMISSIONER: You said something about every two weeks?

20 THE WITNESS: Well, I had inquired as to how often it should be taken. He said once every two weeks. He didn't say come back and see me in two weeks that I can remember. He said come back and see me in two weeks' time. But, he -- I had asked how often I was to take it and he said once every two weeks.

MS. CHOWN:

25 Q. So, following that first visit to Dr. Artinian then did you return to him?

A. On that two-week interval, yes, I did, for three other times afterwards.

Q. As we are assisted by your recollection and the notes, this still would appear to be in the summer of 1985?

A. That's correct.

Q. And that would be prior to you attending the fall training camp for the University of Toronto team?

A. Yes, that's right.

Q. And during those visits that you had with Dr. Artinian, did they follow the same pattern as you described on your first visit?

A. Yes, they did.

Q. Did you receive an injection of Deca-Durabolin on the ensuing visits?

A. Uh-huh.

Q. To your knowledge was it in the same dosage as you had received previously?

A. Yes, I think so, yes.

Q. During that period leading up to training camp, did Dr. Artinian carry out any monitoring of you, whether by taking a physical examination or taking blood and urine for lab work?

A. I think he did take my blood pressure

each time I came in. And there was one visit in which I had some testing done. I was sent downstairs to a laboratory. No, I don't recall what that was for.

I had had some concerns, and I had mentioned them to Dr. Artinian, and he sent me downstairs for this testing. And I don't -- like I said, I don't recall what it was for.

Q. And do you recall that testing as taking place in this first series of visits in the summer of 1985?

A. Yes, I think so, yes.

Q. I think in fairness to you the laboratory records included as part of your patient chart indicate that certain tests were carried out in July of 1985 and in particular on July 19th?

A. Yes, that seems correct.

Q. During this period then in July of 1985 that you were receiving the injections from Dr. Artinian, did you ever receive any other medications from him, whether steroids or otherwise?

A. No, I did not.

Q. In particular, did you receive any steroid tablets from him?

A. No, I did not.

Q. Now, you went then for your first

approach to the University of Toronto Blues at the training camp in August. Did you notice any effects as a result of the program of steroids that you had been on earlier in the summer?

5 A. Well, I definitely had some weight gain. I think when I started them I was, you know, 175 pounds, 174 pounds, and when I went into the camp that year I think I was about 187.

10 In terms of side effects, I think there was some slight acne on my back, and some shrinkage of the testicles, but that was basically it for the side effects. I did get bigger, as I said, and I did get stronger, no question about it.

15 Q. Had you had a problem with acne yourself prior to going on steroids?

A. No.

Q. And prior to visiting Dr. Artinian?

20 A. No, I did not. It wasn't acne in the true sense of the word. It was like little bumps, little red bumps on my back, not acne in the severe break out of acne type.

25 Q. Because, in fairness to you, I should indicate that Dr. Artinian's records indicate at the first visit he has recorded for you in July of 1985 that the reason for the visit was because of acne and that he

prescribed to you on that occasion or provided to you
tetracycline?

A. No way, no. That is not true.

Q. So, you do not recall making that

5 complaint to him or seeking treatment from him for acne in
July of '85?

A. I did not make that statement.

THE COMMISSIONER: That was not the purpose
of your visit?

10 THE WITNESS: No, that was not the purpose
of my visit, no way.

MS. CHOWN:

15 Q. You mentioned the physical effects you
noted. Did those effects carry through the football
season?

20 A. Well, it did for awhile, but I didn't
maintain the size and the strength because I didn't
continue with the working out. As a result, I lost a lot
of the size. And when I think when the season was over, I
dropped back down to my normal size and my normal weight
and my normal strength.

25 Q. Did you continue to see Dr. Artinian
for the purpose of obtaining steroids during the football
season?

A. No, I did not.

THE COMMISSIONER: It was just during the training camp session?

THE WITNESS: Yes, prior to, yes.

5 THE COMMISSIONER: How many times did you say you were there?

THE WITNESS: Four times.

MS. CHOWN:

10 Q. Those times spanned July and August?

A. That's correct.

Q. Following the football, the end of the football season, did you subsequently return to see Dr. Artinian?

15 A. Yes, I did.

Q. Why were you going back then after football season was over?

20 A. Well, I think after the, you know, being that size, being, you know, bigger and stronger, I seemed to like that. And I realized that my football career would be continuing and I wanted to start up again. So, I went back for, I think, November and December for four more shots.

25 Q. We are now talking about November or December '85?

A. That's correct, yes.

Q. All right. Did you also see Dr.
Artinian in 1986?

5 A. I think perhaps beginning of January,
January '86, the beginning of the year.

THE COMMISSIONER: Was it the same routine,
you would go in and get your shot?

THE WITNESS: Yes, exact same routine.

10 THE COMMISSIONER: Did you pay for the
steroids?

THE WITNESS: Yes, I did. I paid for every
visit. Yes, I paid cash.

THE COMMISSIONER: How much was charged?

15 THE WITNESS: No idea; I do not remember.

MS. CHOWN:

Q. The injection you continued to receive
was an injection of Deca-Durabolin?

A. That's correct, yes.

20 Q. You said you had lost some size
following the football season and stopping taking
steroids. Did this next series of shots in November or
December and January bring back those --

A. Yes, it did.

25 Q. -- the weight gain that you had lost?

A. Yes, it did.

Q. When is the last time that you recall visiting Dr. Artinian's office?

A. January '86.

5 Q. In fairness, again, I will review with you his notes which indicate visits in 1986, January 6, and January 20. Those I believe you do recall?

A. Yes.

10 Q. And then there are two visits recorded for the summer of 1986, being July 30th, '86 and August 14th, 1986. Do you recall attending at his office in the summer of 1986 on those days?

A. I do not recall, no.

15 Q. And in addition, if I am interpreting his writing correctly, it appears that you received a prescription Metandren, it looks like, on July 30th. Do you recall receiving that?

A. No, I do not.

20 Q. May I just check so I am not putting the --

A. Okay.

Q. I am advised that the correct name of the drug is Metandren linguets and that they are tablets. Do you recall receiving tablets?

25 A. I at one time --

THE COMMISSIONER: What date is this?

MS. CHOWN: Sorry, that is July of '86?

THE WITNESS: At one time I inquired about tablets and Metandren, but to be honest with you, I don't recall receiving them and not at that time, especially, not in the summer.

THE COMMISSIONER: May I see a copy of those notes, please?

MR. HUGHES: Yes.

MS. CHOWN:

Q. Can you tell me who your coaches were at the University of Toronto during --

THE COMMISSIONER: Just give me a moment, Ms. Chown, please.

MS. CHOWN: I am sorry, Mr. Commissioner.

MR. HUGHES: I will give you the original, Mr. Commissioner.

THE COMMISSIONER: Thank you. That will be 234.

THE REGISTRAR: 234, Mr. Commissioner.

--- EXHIBIT NO. 234: Notes of Dr. Artinian re J. Oldfield.

THE COMMISSIONER: I am just looking at his last visit, I am just trying to keep ----

MS. CHOWN: Mr. Commissioner, I was looking at the last entry on the office, last page of entries for the office notes. The top entry is July 30th, '86.

THE COMMISSIONER: What does it say?
"Physique problem, not happy with the look"?

MS. CHOWN: "Results", I believe.

THE COMMISSIONER: "Results".

MS. CHOWN: Looks better -- bitter --

MR. HUGHES: Yes.

MS. CHOWN: Bitter, Mr. Hughes advises. Was advised --

THE COMMISSIONER: This is August of '86.

MS. CHOWN: Yes.

THE COMMISSIONER: "Physique problem, not happy with the results". Is that "looked better", I can't --

MS. CHOWN: I think that is "bitter".

MR. HUGHES: I believe it is an "i".

THE COMMISSIONER: Was "bitter"?

MS. CHOWN: "Looks bitter".

THE COMMISSIONER: Was what?

THE WITNESS: "Was advised that the treatment modality may not help every patient", if I have

interpreted that correctly.

MR. HUGHES: Yes, that's correct.

MS. CHOWN: And I am not sure, there is a
blood pressure reading, I am not sure of the words in
front of that.

MR. HUGHES: The words in front of it are
"no icterus", which I believe is a jaundice condition, "no
edema" which is the swelling we talked about.

THE COMMISSIONER: Back in July, though,
"physique problem" this is --

MS. CHOWN: "Has made some progress".

THE COMMISSIONER: Were you still
consulting Dr. Artinian in July of '86?

THE WITNESS: I do not recall.

THE COMMISSIONER: I don't understand what
you mean. You were or you weren't or you don't remember?

THE WITNESS: I don't remember going to him
at that time, no.

THE COMMISSIONER: "Physique problem, has
made some progress".

MS. CHOWN: "Not as much as he had
anticipated".

THE COMMISSIONER: "No other complaints".
No?

MR. HUGHES: "Icterus".

MS. CHOWN: "No edema".

THE COMMISSIONER: "No edema".

MR. HUGHES: Next number is the sinus
reading.

MS. CHOWN: Heart, chest normal. Abdomen,
testicles.

MS. CHOWN: This is the tablets, Metandren linguets, one daily.

THE COMMISSIONER: What are they for? Does anybody know?

5 MS. CHOWN: It is, I understand, a steroid tablet.

MR. HUGHES: As I understand it, it's an anabolic steroid that's inserted underneath the tongue so that it's dissolved slowly and bypasses the liver and
10 avoids some of side effects associated with other anabolics.

THE COMMISSIONER: Were you still seeking anabolic steroids July of '86? Were you on steroids then?

THE WITNESS: I do not think so, no.

15 THE COMMISSIONER: All right, go ahead.

MS. CHOWN:

Q. The last time you recall being on steroids would have been earlier in 1986, in early
20 January?

A. In January, yes.

Q. Did you subsequently take steroids from any other source following early 1986?

A. With regard to the Metandren, the
25 person I went down there with to Dr. Artinian's office on

a number of occasions, a friend of mine who I had played junior football with and high school football with, had received some Metandren tablets, and I had obtained a number of those tablets from him.

5 Q. Do you recall when that was?

A. It probably was early '86.

THE COMMISSIONER: That was Mr. Brownell,
was it -- not Mr. Brownell.

THE WITNESS: No.

10 THE COMMISSIONER: He was on the York team.

MS. CHOWN:

Q. Did you play the season at the
University of Toronto that commenced in the fall of 1986
15 and went to --

A. That's correct, yes.

Q. That was the last season you played?

A. No, I played '87 as well.

Q. So for the '86-'87 season --

20 A. M'hmm.

Q. -- you did not go back to see Dr.

Artinian?

A. That's correct.

Q. Did you seek out any other source of
25 steroids for those two football seasons?

A. No, I did not.

Q. So you were not taking steroids for your last two seasons at university?

A. That's correct, yes.

5 Q. I think I asked you earlier to tell me who the coaches were at the University of Toronto during this time period, 1985-1986 up to 1987?

A. Doug Mitchell, and the defensive back coach was Gino Cundari.

10 Q. Mr. Mitchell was the head coach?

A. That's right.

THE COMMISSIONER: What position did you play, Mr. Oldfield?

THE WITNESS: Defensive back.

15 MS. CHOWN:

Q. Were there any formal meetings that were ever held with the team by the coaches concerning the topic of steroids?

20 A. No, there wasn't.

Q. Were you aware of the attitude of the coaches as to steroids?

A. No, I wasn't.

25 Q. Were you aware at any time that the CIAU had a policy with respect to the use of steroids?

A. No, I wasn't.

Q. As you've told us earlier,
you're about to go back to school this fall and in fact
you hope to play football again?

5 A. Yes, I do.

Q. And that's the University of Toronto?

A. That's correct.

Q. And in preparation for that, I
understand that you attended the spring training camp in
10 April of this year at the University of Toronto?

A. That's correct.

Q. And the head coach now at the
University of Toronto is who?

A. Bob Laycoe.

15 Q. Laycoe?

A. Laycoe, L-A-Y-C-O-E.

Q. And Mr. Laycoe had previously been at
the University of British Columbia?

A. That's correct.

20 Q. What are his views on steroids?

A. Well during the spring camp, Coach
Laycoe held a formal meeting to advise players on the use
of steroids and how both himself and the rest of the
coaching staff and the university were against the use of
25 steroids and that we should, I guess, apply ourselves more

toward working hard in the gym and using natural methods to get better rather than using steroids. I know Coach Laycoe is totally against the use of any, you know, any steroid.

5 Q. Was there any discussion in this seminar held by Coach Laycoe about the possibility of testing college football players under the CIAU policy in the future?

10 A. Yes. He advised the team -- I think he advised the team at the end of last year. I was a scout at that time, and I maintained some contact with the team, and he advised the team at that time that there would be testing in 1989, and then he reiterated that in the spring camp there would be testing.

15 MS. CHOWN: Thank you, Mr. Commissioner. Those are the questions that I have for this witness.

THE COMMISSIONER: Mr. Hughes?

MR. HUGHES: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. HUGHES:

20 Q. I'd like to clear up a bit of the problem with these dates if I could, first of all. I think we are in agreement on at least the timing of the initial visit, and the subject we'll get to in a moment. We respect to the last date that you saw Dr. Artinian, as
25 I believe Ms. Chown has indicated to you, Dr. Artinian's

notes indicate August 14, 1986?

A. M'hmm.

Q. As I think I understand your evidence, you don't recall seeing him then or you didn't --

5 A. I don't recall seeing him that time. I don't recall.

Q. Did you give a release to Commission counsel for obtaining your OHIP records?

A. Yes, I did.

10 Q. So that if I was advised by Commission counsel that there was an OHIP record in respect of a visit and that record was dated September 5, 1986, does that help refresh your memory at all that you may have been to see Dr. Artinian in August of 1986?

15 A. No, that doesn't refresh my memory.

MR. HUGHES: In fairness, Mr. Commissioner, that's what I was advised by Commission counsel, that there was a record indicating a record date of September 5, 1986.

20 THE COMMISSIONER: Well, there is a bill submitted for a visit on that date, I guess?

MR. HUGHES: Yes.

MR. HUGHES:

25 Q. If we can go back to July of 1985 for a

moment, Mr. Brownell, I take it that your recollection of the events and the visits at that time is not crystal clear; is that fair?

A. Yes, that's fair.

5 Q. And you don't have any notes or other records --

A. No, I don't.

10 Q. -- that indicate the nature of the visits or the medication prescribed or anything like that, do you?

A. No, I don't have any records. No.

Q. And I take it you don't recall seeing Dr. Artinian for an acne problem in July of 1985?

15 A. I did not see him for an acne problem. That I recall.

Q. So you recall specifically that you didn't?

A. Oh, yes.

20 Q. You do recall seeing him with respect --

THE COMMISSIONER: Was there some medication given that day, July 3rd, '85?

25 MR. HUGHES: The notes that I have, Mr. Commissioner, indicate that tetracycline was given at that time.

THE COMMISSIONER: By prescription, I
guess?

THE WITNESS: If I could interject, if I
wanted tetracycline, I would have gone to my family doctor
or my father, who is also a physician. I wouldn't go to
Dr. Artinian for tetracycline.

MR. HUGHES:

Q. Well, that may be the case, but that's
what the records indicate.

A. Okay.

THE COMMISSIONER: Well, that's what this
note indicates.

MR. HUGHES: Yes, that's right, Mr.
Commissioner.

MR. HUGHES:

Q. I take it, though, that you went to Dr.
Artinian in July of 1985 with respect to your physique and
your build? You wanted to improve it; is that right?

A. Well, I wanted -- yes.

Q. Do you recall mentioning to Dr.
Artinian on that visit that you had some chest discomfort
as well?

A. No.

Q. You don't recall?

A. No. I never said anything of that nature.

Q. Do you recall Dr. Artinian listening to your chest and checking the sinus rhythm of your heart with a stethoscope?

A. I do not recall that.

Q. You don't recall?

A. I don't recall.

Q. It's possible?

A. It's possible.

Q. Do you recall him checking your abdomen with his fingers?

A. I do not recall.

Same --

A. It is possible, but I do not recall.

Q. And I think you recall him taking your blood pressure?

A. Yes, I do.

Q. And you recall him taking your weight?

A. I do not recall.

Q. The records indicate that your weight was 71 kilograms at the time of the first visit?

A. Totally wrong. That's inaccurate. That works out to what, 150 pounds, maybe?

Q. Well, I've got more like 180, but --

A. I was about 175 pounds at that time.

MS. CHOWN: I think a conversion, if my
mathematics are correct, would be about 156 pounds, 71
5 kilograms.

THE COMMISSIONER: How much did you weigh?

THE WITNESS: About 175.

MR. HUGHES:

10 Q. Well, I understood that you multiplied
by 2.2 --

A. 2.2.

Q. And I may be wrong, but I can't imagine
that multiplying 71 by 2.2 --

15 A. That's 156, according to my math.

MR. HUGHES: I didn't do very well at math,
Mr. Commissioner. I apologize.

THE COMMISSIONER: Join the club. Your
actual weight you say at that time was 180 something?

20 THE WITNESS: 175, approximately. Between
170 and 175.

MR. HUGHES:

Q. Do you recall --

25 THE COMMISSIONER: Were you living -- where

were you living? Merrowin Drive.

THE WITNESS: Merrowin Drive, yes, North York.

5 MR. HUGHES:

Q. And was your phone number 491-9872?

A. That's correct.

Q. And we're getting those questions from the top of what purports to be your medical records.

10 You said you recalled getting blood work?

A. Well, no, I didn't recall getting blood work. I recall getting testing of some sort. I don't necessarily recall getting blood work.

15 Q. And do you recall that being at the time of your first visit?

A. No, I do not recall it being the first visit. Perhaps second visit, around there. I don't think it was the first visit. I went to him one time previous, and then I had some questions and I had some concerns, and
20 then I think I went for the testing.

Q. Well that's exactly what these records indicate, except that the first visit is indicated to be for something else, for acne, and on the second visit when you discussed the steroids or the physique problem, you
25 got the test. The test records are dated July 19, 1985,

which is the date of your second visit to Dr. Artinian.
Does that help your recollection?

A. Well, that seems accurate. However, I
think that the first visit on July 5th was for steroids;
5 it wasn't for acne. And the second visit was July 19th,
and that was --

THE COMMISSIONER: Two weeks later.

THE WITNESS: -- two weeks later for my
shot as arranged, and at that time I had some questions
10 pertaining to my health, and we had tests done at that
time. The first visit had nothing to do with acne,
nothing whatsoever.

MR. HUGHES:

15 Q. And I take it from your earlier answer,
are you telling us that you don't know whether you had
blood work done?

A. I don't know whether I had blood -- I
had testing of sorts.

20 Q. Did you have blood taken?

A. I do not recall whether I had blood
taken.

Q. You don't recall?

A. I don't recall whether I had blood
25 taken, no.

Q. When you discussed the health concerns that you had with respect to the anabolic steroids, did Dr. Artinian answer your questions?

A. That's hard for me to answer because I don't recall specifically him saying, well this will happen or that will happen. However at that time I might have said, you know, I might be getting a little acne on the back or whatever, and he might have said, you know, don't worry about it or it's just this or it's just that. I don't recall specifically what he had to say, although I did question him about it and he did reply with some answer.

Q. Do you recall seeing Dr. Artinian on August 1, 1985? That would be approximately two weeks after the July 19 visit. Does that sound about right?

A. That sounds about right, yes.

Q. Do you recall in addition to discussing the physique question, the fact that --

THE COMMISSIONER: I notice every visit, the last two witnesses have mentioned a "physique problem". Did you discuss your physique?

THE WITNESS: I guess in simplified terms it would be a physique problem because I wanted to be bigger. I don't know if it's a problem as such, but I wanted to get bigger.

THE COMMISSIONER: All right. Go ahead.

MR. HUGHES:

5 Q. And do you recall at that time asking
for some treatment for athlete's foot?

A. No, I do not recall that. No.

Q. You didn't, or you don't recall?

A. I don't recall.

Q. It's possible?

10 A. I guess it's possible. Like I said
before, if I needed athlete's foot treatment or any other
type of treatment, I think I would have gone to my father
or my family physician. I was going to Dr. Artinian for
one purpose and that was for steroids, for nothing else.

15 Q. But if the records indicate that you
mentioned an athlete's foot problem and got some
medication, that's possible, is it? I want you to try to
help me with your recollection.

A. M'hmm.

20 Q. You are here making some, at least,
allegations or suggestions of allegations in your
evidence, and I want you to try to remember.

A. I'm not making any allegations. I'm
just answering questions.

25 THE COMMISSIONER: He's just giving

evidence.

MR. HUGHES: I think I put it at suggestions, Mr. Commissioner.

THE COMMISSIONER: Well, just he's giving
5 evidence.

THE WITNESS: Yes, that's correct. I do not recall the doctor and me discussing an athlete's foot problem.

10 MR. HUGHES:

Q. Do you recall Dr. Artinian asking you whether you had any history of rheumatic heart disease, hypertension, hepatitis or mumps?

A. I do not recall.

15 Q. He may have asked you those things?

A. He may have, but I do not recall.

Q. Do you recall him again checking your heart and chest with a stethoscope on that visit?

A. I do not recall.

20 Q. Checking your chest and testicles?

A. I do not recall.

Q. Or your abdomen and testicles, I'm
sorry?

A. I don't think he ever checked my
25 testicles.

Q. You don't think?

A. I know he didn't.

Q. Took your blood pressure?

A. He did do that. He did that on every
5 visit, I think.

Q. And the note here indicates "side
effects of steroids explained". Do you recall a
discussion about the side effects of steroids?

A. Well like I said to you before, I had
10 inquired about the side effects, and Dr. Artinian replied
with some answer. I don't recall what he had to say at
that time, though I don't think he went into great detail
on what could happen to my body.

Q. Do you recall that when he opened a
15 package to give you an injection of what I take it you
acknowledge was Deca-Durabolin --

A. M'hmm.

Q. -- that he gave you the empty package
to look at?

A. Yes, he did do that.

Q. He did do that.

Q. And that satisfied you that you were
getting Deca-Durabolin?

A. Yes.

Q. And did the package contain a pamphlet
25

that explained something about the drug and its effects?

A. I do not recall that.

Q. You didn't look or you don't recall?

A. I don't recall. I would have looked,

5 I'm sure.

THE COMMISSIONER: Were you weighed every
time you were there?

THE WITNESS: No, I was not.

THE COMMISSIONER: Because your weight
10 always seems to be listed at 71 kilograms all the way
through the piece here I'm looking at.

MR. HUGHES: Except it drops somewhat, Mr.
Commissioner, in the December visit.

THE COMMISSIONER: I'm not that far yet.
15 Okay, you're ahead of me.

MR. HUGHES: I've had a bit more time to
read these than you have, sir.

THE COMMISSIONER: Right.

20 MR. HUGHES:

Q. Do you recall him telling you near the
beginning of the period --

THE COMMISSIONER: Did you get weighed
every time. Were you weighed? Were you put on a scale?

25 THE WITNESS: No, I was not.

MR. HUGHES:

Q. You know for sure that you weren't?

A. I know for sure.

5

Q. Not by Dr. Artinian's assistant either?

A. I don't think he had an assistant.

Q. Do you recall him telling you that you
shouldn't drink alcohol while you were taking
Deca-Durabolin?

10

A. I do not recall.

Q. And I take it from your earlier
evidence that you would disagree if the records indicate
that again in August of '85 you were treated for acne?

A. Yes, I disagree.

15

Q. Now there is a break in the times that
you went to see Dr. Artinian until November 29 of '85.
Does that fit about right with the --

A. That fits about right, yes.

20

Q. So that's consistent with your
recollection, then, is it?

A. That's correct, yes.

Q. Do you recall at that point indicating
that you hadn't gained muscularity?

25

A. Well, I had gained muscularity, but I
had lost it as the season progressed because I didn't

maintain my workouts and things such as that.

Q. So you wanted to gain it back?

A. I wanted to gain it back, yes.

Q. And that's why you went to see Dr.

5 Artinian?

A. That's correct.

Q. Do you recall at that time him checking
your feet or your ankles for swelling by pushing his
finger against the skin just above your foot?

10 A. He didn't do that.

Q. Do you recall him checking your sinus
rhythm in your chest and your abdomen?

A. I do not recall that.

Q. But he took your blood pressure again?

15 A. Yes, I think he did, yes.

Q. And he gave you another injection of
Deca-Durabolin, didn't he?

A. M'hmm.

Q. Sorry?

20 A. Yes, that's correct. Yes.

Q. And was he giving you half a container
or vial of Deca-Durabolin?

A. I'm sorry, I have no idea.

Q. So you can't help us with the dosage?

25 A. No, I can't help you with the dosage.

Q. Did he tell you that the injectables had an indication of lesser side effects or less pronounced side effects than other forms of anabolic steroids?

5 A. When I first went to him, that's something that I was concerned about, and I wanted something with the least amount of side effects and probably the safest drug possible, and that's why he suggested that I use Deca-Durabolin.

10 Q. I see. And you saw Dr. Artinian again in December of 1985; do you recall that?

A. Yes. Around that time, yes.

15 Q. And, again, I take it apart from the blood pressure, you don't recall the other tests or the other examinations?

A. Well some of the tests, yes. As I said before, there was no check of the testicles and there was no check of the ankle or feet, but in terms of the chest and the abdomen, I don't recall.

20 Q. Did you have any -- you received another injection, I take it, at that point?

A. Yes. Each visit I received an injection and blood pressure.

Q. Same dosage, as far as you know?

25 A. As far as I know, yes.

Q. Had you indicated to Dr. Artinian that you had any complaints about side effects or about anything else during that period?

A. I complained about the acne on my back.
I complained about that.

Q. So you did have some acne?

A. Yes.

THE COMMISSIONER: He's already said that.

THE WITNESS: Some.

MR. HUGHES:

Q. What did Dr. Artinian do about that?

A. Nothing.

Q. Do you recall complaining of a cold in January of '86 and receiving some medication for that?

A. No. I do not recall that.

Q. Do you recall going to see Dr. Artinian in January of 1986 for another injection of Deca-Durabolin?

A. Yes.

Q. Same recollection of the course of events leading up to that?

A. That's correct.

Q. In March of '86, do you recall going back to Dr. Artinian?

A. No, I do not recall.

Q. The record, to be fair to you, indicates that you began seeing Dr. Artinian in early March of 1986. That's possible I take it, is it?

5 A. I don't recall.

Q. Do you recall complaining to Dr. Artinian in March of 1986 about dermatitis, dandruff?

A. Well, if I do not recall going in March of '86, I can't recall any events that supposedly took place at that time.

10

Q. You just don't recall?

A. I don't recall.

Q. So you don't recall complaining of the back problem as well?

15

A. No, I do not.

Q. And you don't recall receiving a prescription or linguets of any other sort of steroid in July of 1986?

A. I do not recall.

20

Q. You don't recall?

A. No.

Q. Were you -- I'm a bit unclear. Were you receiving anabolic steroids from other sources at some point during this period of time from July 3rd, 1985, until August of 1986?

25

A. I received anabolic steroids from July '85 to the beginning of -- no, the end of January '86, and then I received from a friend who had received some Metandren tablets from Dr. Artinian, I obtained some Metandren tablets from him the winter-spring of '86, before March '86.

Q. Who was that?

A. A football -- a person I played football with.

THE COMMISSIONER: The name is not necessary.

MR. HUGHES: Well, the only reason that it may be of some significance is that if he was seeing Dr. Artinian and was being prescribed Metandren from him, it would be of some interest to know whether he was in fact taking that anabolic himself or whether he was giving it to someone else.

THE COMMISSIONER: We'll check to see if he was a patient of the doctor's and let you know.

MR. HUGHES: Thank you, Mr. Commissioner.

MR. HUGHES:

Q. So you were taking Metandren at this time?

A. At what time?

Q. Well, at the time that you've just told me, in July of --

A. No, I took it perhaps March '86.

Q. And did you continue to take it for a while after that?

A. I'd say approximately 10 tablets, maybe.

Q. And were they the linguets that you'd put under your tongue?

A. That's correct, yes.

Q. And did you take any or obtain any other type of anabolic steroid from any source other than Dr. Artinian prior to August of 1986, other than the Metandren you told me about?

A. Oh, no, I did not.

Q. No?

A. No.

Q. And after you stopped seeing Dr. Artinian, whenever that turns out to be, did you obtain and take anabolic steroids from other sources?

A. No, I did not.

Q. Did you expect to receive some other type of treatment from Dr. Artinian other than what you did receive on your visits?

A. Did I expect to receive something other

than steroids?

Q. No, some other type of examination or treatment from him other than what you did receive? Did you expect something else?

5 A. No, I did not.

Q. Why did you stop seeing Dr. Artinian?

A. I decided to take steroids no longer.

MR. HUGHES: Thank you, Mr. Commissioner, those are my questions.

10 THE COMMISSIONER: Any re-examination?

MS. CHOWN: No, thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you very much, Mr. Oldfield, for your assistance.

15 MS. CHOWN: The next witness is Mr. Gus Alevizos. He's just outside the hearing room.

THE COMMISSIONER: Okay, thank you.

GUS ALEVISOZ SWORN:

20 --- EXAMINATION BY MS. CHOWN:

Q. Mr. Alevisoz, I understand that you live in Weston, Ontario?

A. Yes, I do.

25 Q. And at the present time, you operate your own construction business?

A. Yes.

Q. You were a student at the University of Guelph up until the spring of 1988?

A. Yes.

5

Q. Did you obtain a degree from there?

A. Yes.

Q. What was that?

A. I got a B.A. in History and Sociology.

10

THE COMMISSIONER: A B.A. in History and what else?

THE WITNESS: Sociology.

THE COMMISSIONER: Thank you.

MS. CHOWN:

15

Q. Mr. Alevisoz, you've advised me prior to appearing here today that you began to play football when you were in high school and you continued on to be a football player while you were at Guelph?

A. Yes.

20

Q. When you were in high school, what position did you play?

A. I played offensive guard and defensive end.

Q. Did you go to high school in Guelph?

25

A. No, Weston in Toronto.

Q. By the time you were in Grade 13, can you tell me your height and weight?

A. Around 6'3", 250 pounds.

Q. I take it from those figures you would have been one of the larger players on the Weston team in Grade 13?

THE COMMISSIONER: 6'3" and how much? What weight? 150?

THE WITNESS: 250.

MS. CHOWN: And 6 foot 3 inches tall.

MS. CHOWN:

Q. Were you recruited to play football at Guelph?

A. Yes.

Q. As we've heard, you entered that institution in the fall of 1984, and did you play with the Guelph team throughout the seasons that you were there?

A. Yes.

Q. What's the name of the Guelph team?

THE COMMISSIONER: Yeomen.

THE WITNESS: Guelph Griffins.

THE COMMISSIONER: Pardon?

THE WITNESS: Griffins.

THE COMMISSIONER: Griffins. I'm sorry.

MS. CHOWN:

Q. You were an offensive tackle guard?

A. Yes.

5 Q. Mr. Alevisoz, I'd like to ask you about your own involvement with steroids. Did you have any knowledge about or information on steroids when you were a high school player at Weston Collegiate?

A. No.

10 Q. You entered Guelph, as we've heard, in the fall of 1985 and played the '84-'85 season for the Griffins?

A. M'hmm.

15 Q. Were you involved with steroids in your first year?

A. No.

Q. In the second year, which would be the football season commencing in the fall of 1985, at that point, did you have some contact with steroids?

20 A. Yes. I got hurt while I was training, my elbow, and I went to a doctor and got something to rehabilitate my arm.

25 Q. I'm just going to take you back there. Do you recall when this was in 1985 or 1986 that you hurt your arm?

A. It was '86.

Q. Would that be in training for the '86 football season?

A. Yes.

5 Q. And you injured your left arm?

A. My left, yeah, elbow.

Q. And you've advised me as well that 1986 was your draft year for professional teams?

A. Yes.

10 Q. And can you tell me what effect, in your own mind, experiencing this elbow injury in 1986 had on you?

A. I thought that if some team, if the teams would have found out that I was hurt, I wouldn't be picked up, and I wanted to keep it quiet. So I --

15 THE COMMISSIONER: Was the injury before the start of the season?

THE WITNESS: Yeah. I wanted to rehabilitate as fast as I could without anybody knowing about it.

20

MS. CHOWN:

Q. I believe you told me that you injured your arm sometime in February of 1986?

25 A. Yeah.

Q. And did you have a doctor monitor how your arm was doing up until the spring of that year?

A. No. I saw a chiropractor, but I knew what it was. I could --

5 Q. Did you notice any improvement yourself in going and receiving treatments from the chiropractor between February and May?

A. No.

10 Q. Then at that point did you make a decision concerning steroids?

A. Yes.

Q. What was that decision?

A. That I take a small quantity to help my arm heal.

15 Q. Was it your belief that taking steroids --

A. Yes.

Q. -- might help your arm to heal?

A. Yes.

20 Q. Had you talked to any of the other players on the Guelph team about that, or was that some conclusion you had come to yourself?

A. I took my own, through libraries and reading, that it might help my arm, but I didn't talk to
25 anybody.

Q. Who did you go to to obtain steroids?

A. I went to Dr. Astaphan.

Q. Now, you were going to school in Guelph, how did you come to hear of Dr. Astaphan, who as we have heard, carried on his practice in Toronto?

A. I worked out in gyms in Toronto and it was just by through the grape vine type of thing.

Q. Were you doing weightlifting at this time or was the working out part of your training for your year-round training to keep in shape for football?

A. My year-round training, weightlifting.

Q. Dr. Astaphan's name was then mentioned to you by other weightlifters in the gyms?

A. Yes, gyms, stuff like that. I can't really recall exactly how, but it was in that situation.

Q. Now, what information did you have about Dr. Astaphan before you went to see him?

A. I knew that he was a doctor of Ben Johnson and all the top track athletes. So, I thought he would be the best candidate for me to talk to about my -- to go to and get this treatment.

Q. By "this treatment" you are referring to steroids?

A. Uh-huh.

Q. Were you aware from information

provided to you by weightlifters --

A. Yes.

Q. -- that he was the doctor who would provide steroids?

5 A. Yes.

Q. Now, you have told me that you first went to see Dr. Astaphan in May of 1986?

A. Yes.

10 Q. And can you tell me what you recall of your first visit to him?

A. It was a consultation-type of thing and he did some tests. I wanted tests done, blood tests, urine, everything, whole physical.

15 Q. What did you tell him as to the reason you were there to see him?

A. I just told him I wanted an edge, in my -- I don't know what he took it in his opinion, but in my opinion it was to fix my arm. I didn't want to tell him I hurt my arm.

20 Q. All right. So, let's just go back here. You told him you wanted an edge. Did you tell him that you were a college football player?

A. Yes.

Q. You were on the Guelph Griffins team?

25 A. Yes.

Q. Did you tell him that this was your draft year and you were hoping for a professional try out?

A. Yes.

Q. So, when you say you wanted "an edge" was that what you were referring to?

A. No, I was referring -- not to him, I don't know how he took it, but to me it was for my elbow to be fixed.

Q. Did you mention to Dr. Astaphan on the occasion of your first visit that in fact you had suffered an injury to your elbow several months previous?

A. No.

Q. So, the information that you provided to him was that you were a football player and you were looking for steroids in order to get an edge?

A. Yes.

Q. All right. Now, you have said to us that you wanted to have tests done?

A. Yes.

Q. Why was that?

A. Well, I wanted to make sure I was healthy and so on. I didn't want anything to happen to me.

Q. Do you recall now whether on that first occasion Dr. Astaphan took blood and urine from you for

analysis?

A. Yes.

Q. Did he subsequently discuss the results of that analysis with you?

5 A. Yes.

Q. Was there anything abnormal about the results?

A. No, nothing at all.

Q. Did he carry out a physical examination of you on that visit?

10

A. Yes.

Q. Did you have a general or did you have a discussion with him about steroids?

A. Yes.

Q. Can you tell me what you recall of that discussion?

A. He just explained what they would do and so on, the strength. And sometimes they had side effects, but he said the amount that I am going to take, because I specifically told him that I want very small doses, he said nothing would happen.

20

Q. Okay. Had you done any reading yourself about side effects of steroids prior to seeing Dr. Astaphan?

25

A. Yes. Yes, and -- but that was with

large doses.

Q. The information he gave you was that in small doses --

A. The same.

5 Q. -- you would not experience side effects?

A. Yes.

Q. Did you receive any steroids from Dr. Astaphan on your first visit?

10 A. No.

Q. After that visit, do you recall going back to see him?

A. Yes.

Q. And how often would you have done so?

15 A. It was once a week for I think a month.

Q. All right.

A. I think.

Q. So, this would be in June of 1986?

A. Something like that.

20 Q. When you returned to see him, did you begin to receive steroids?

A. Yes.

Q. What did you receive?

25 A. It was a B-12 with something else, I can't recall the other.

Q. But it was B-12 --

A. B-12.

Q. -- mixed with something else?

A. Yes, which I think was a steroid.

5 Q. You do not recall at this point --

A. I can't recall.

Q. -- what the specific steroid was?

A. No.

Q. The weekly visits that you went to see

10 Dr. Astaphan in June, was that the injection you received
on each occasion?

A. Yes.

Q. Do you recall what dosage you received?

A. Half a cc.

15 Q. Did you yourself notice any effects
after having taken weekly injections over about a month's
time?

A. No. My elbow was getting better, but
nothing else.

20 Q. Was it your plan to continue to go and
see Dr. Astaphan throughout the summer of 1986?

A. If my elbow wasn't getting any better,
yes.

25 Q. Can you tell us what in fact happened
when you went to his office at the end of June 1986?

A. He was gone. And I can't -- that's about it. He left. Somebody else had took over his practice.

Q. Were you aware that he was intending to close his practice?

A. No.

THE COMMISSIONER: How material is that?

MS. CHOWN:

Q. So would that be then in July of 1986 at the end of June that you stopped seeing Dr. Astaphan?

A. Yes, I think so.

Q. As a result of his leaving his practice, did you subsequently attend at the office of any other physician for the purpose of obtaining steroids?

A. Dr. Cherry.

Q. Was that in the summer of 1986?

A. I think it was September, I can't remember exactly.

Q. How did you obtain Dr. Cherry's name?

A. I can't recall. I think it was from Dr. Astaphan's secretary. I can't recall exactly. I know -- I can't remember.

Q. In any event, you did attend at his office and did you receive any steroids from Dr. Cherry?

A. Yes.

Q. And over what period did you attend at his office?

A. I think September. It wasn't very often, once, twice a month.

Q. So, that would be in fact through the football season --

A. Yes.

Q. -- for the fall of 1986?

A. Yes. My elbow was getting worse and worse every time I played.

THE COMMISSIONER: Did Dr. Cherry tell you that anabolic steroids would help heal your elbow?

THE WITNESS: No, I didn't tell him about my elbow.

MS. CHOWN:

Q. Just as with Dr. Astaphan you didn't mention you had this continuing problem?

A. Yes.

Q. Was he aware that you had been on a steroid program with Dr. Astaphan?

A. Yes.

Q. What did Dr. Cherry give you at the times you attended at his office?

A. Same thing.

Q. Vitamin B-12 mixed with a steroid?

A. Yes.

Q. Did you make payments to either or both

5 of --

A. Yes.

Q. -- Dr. Cherry and Dr. Astaphan for
these injections?

A. Yes.

10 Q. Do you recall at this time what you
paid?

A. I think it was \$5 every time I went.

Q. Five dollars?

A. Yes, I think.

15 Q. Did you notice any effects after taking
subsequent shots from Dr. Cherry?

A. Just like I said, my elbow was feeling
better.

20 Q. Following the fall of 1986 going in to
the football season for the fall of 1987, did you continue
to take steroids?

A. I think I stopped then. I can't
recall. I think I went in to '87, but not very much.

25 Q. Your recollection is that you may have
taken some steroids early in 1987?

A. Then I stopped, yes.

Q. But were you taking them either during the fall training camp or the fall football season in 1987?

5

A. I can't recall.

THE COMMISSIONER: What was your last season with the Guelph Griffins?

THE WITNESS: Just the one past.

THE COMMISSIONER: '88.

10

THE WITNESS: Yes.

MS. CHOWN:

Q. I believe during this time period, just so we can put it in context, you actually were drafted by several professional teams. In 1986, I understand you were drafted by Winnipeg?

15

A. Yes.

Q. And you went out there in June of 1987?

A. Yes.

20

Q. And what happened to you at that time?

A. I was lifting some weights, I slipped, and my elbow capsule burst.

Q. Were you released by Winnipeg following that injury?

25

A. Yes.

THE COMMISSIONER: Was that the same elbow?

THE WITNESS: Same elbow, yes.

MS. CHOWN:

5 Q. In 1988 I understand you were drafted
by Edmonton?

A. Picked up by Edmonton, yes.

Q. When did you go out there?

A. '88, of June, I think, yes.

10 Q. You had a similarly unfortunate
occurrence while you were training in Edmonton?

A. Tore ligaments in my ankle.

Q. In 1989, this past couple of months,
you in fact were at the Argo training camp?

15 A. Yes.

Q. But you made a decision yourself to
leave that camp?

A. Yes.

20 Q. And since your involvement with the
Argo training camp, I gather you have made a decision not
to continue with football?

A. Yes.

25 Q. Coming back to the period that you were
at Guelph, which included up through the 1988 football
season, can you tell me who your coaches were during that

period?

A. Coach Musselman and Coach Dan McNally.

Q. Coach Musselman would be the head coach?

5 A. Yes.

Q. During the time period you were there, did the coaches make their attitudes about steroids known to the players?

10 A. Not when Coach Musselman was there, but Coach McNally had a seminar in, I think it was '88 -- '87.

Q. 1987-'88 Coach McNally held a seminar for the team?

A. Uh-huh.

Q. And what was discussed?

15 A. Steroids and their implications and so on.

Q. Did he talk to you as well about the fact that the CIAU had a policy concerning steroids?

20 A. They did say that they are going to start testing.

Q. Prior to that --

THE COMMISSIONER: I am sorry, they did say, I didn't quite hear, or didn't say?

THE WITNESS: They did say.

25 THE COMMISSIONER: They did say. Thank

you.

MS. CHOWN:

5 Q. When was it your understanding that testing was going to be instituted?

A. I thought the year after, but it wasn't, this past year.

10 Q. Prior to that discussion about the policy at the seminar that you believe took place in probably 1987, had you been aware of the CIAU policy with respect to steroids?

A. No, I didn't even know they had one.

MS. CHOWN: Thank you, Mr. Commissioner.

THE COMMISSIONER: Thank you.

15 MS. CHOWN: Those are my questions for this witness.

THE COMMISSIONER: Any questions. All right. Thank you very much for your assistance. Thank you.

20 MS. CHOWN: Mr. Commissioner, our next witness is Mr. Morassutti who is outside.

THE COMMISSIONER: Perhaps we should adjourn until 2:15 instead of breaking the witness.

MS. CHOWN: All right.

25 THE COMMISSIONER: Thank you.

--- Luncheon recess

--- Upon resuming.

THE COMMISSIONER: Ms. Chown.

5 MS. CHOWN: Yes, Mr. Commissioner, our
first witness this afternoon is Mr. Bill Morassutti. He
is present.

THE COMMISSIONER: Mr. Morassutti.

10 WILLIAM MORASSUTTI: Sworn

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Morassutti, I understand at the
present time you live in Islington?

A. Yes.

15 Q. You were born in 1964 in the City of
Toronto?

A. Uh-huh.

Q. You attended high school in Etobicoke
at what high school?

20 A. Scarlet Heights Collegiate Institute.

Q. You obtained your grade 13 from there
in 1981?

A. Correct.

25 Q. Following that you went to the
University of Toronto in the fall of 1981. And you

graduated from there in the spring of 1986?

A. Yes.

Q. What was your degree?

A. English literature.

5 Q. At the present time you are working
freelance in the advertising field?

A. That's right.

Q. Now, we have asked you to come here as
a witness today to particularly talk about your
10 experiences as a football player for the University of
Toronto team. Can I ask you first of all how many years
you played on the University of Toronto team?

A. Five in total.

THE COMMISSIONER: Pardon?

15 THE WITNESS: Five.

THE COMMISSIONER: Five.

THE WITNESS: Yes.

MS. CHOWN:

20 Q. So that was all the years you were
there starting in the fall of 1981 and your last season
would then have been the fall of 1985?

A. Yes.

Q. The position that you played?

25 A. Corner back. It is a defensive back

position.

THE COMMISSIONER: A very important position, Ms. Chown.

THE WITNESS: Yes.

5 MS. CHOWN: I am learning all the time.

THE WITNESS: It is an essential position.

MS. CHOWN:

10 Q. Did you maintain that position throughout your five seasons?

A. Yes, I did.

Q. Can you tell me, Mr. Morassutti, when you first had any contact with steroids while you were at the University of Toronto?

15 A. Yes, that would be my third year, the summer before my third year.

Q. So, we are in --

A. Which would be 198 --

Q. Four?

20 A. Right.

Q. And can you tell us how this contact --

THE COMMISSIONER: I thought you started playing in '81. '81 is your first year. Did you play your first year in '81? Were you a freshman?

25 THE WITNESS: The eighties; I am not that

good at that, but it was my third year, you know, the summer of my third year.

THE COMMISSIONER: The summer of your third year. Do you think we can put that --

5 THE WITNESS: Before my third year, so what would that be?

THE COMMISSIONER: Well, let's -- when was your last year, '86?

THE WITNESS: Mid-eighties.

10 MS. CHOWN: Your last recall you thought you graduated in the spring of 1986?

THE COMMISSIONER: You took English literature, not mathematics.

15 THE WITNESS: Exactly. I am lost with numbers.

MS. CHOWN:

20 Q. I think that we spent some time trying to be precise and I think our final conclusion was that it was the summer of '84 which would be the summer following your third year, if I have it correct.

THE COMMISSIONER: Well, let's get on with it. Some time in the eighties?

THE WITNESS: Late twentieth century.

25

MS. CHOWN:

Q. How did it come about that you made a decision with respect to taking steroids yourself?

5 A. Well, it came about because I was curious, and I thought I would -- I was really curious. I thought I would like to gain some weight and just see what the effects would be.

Q. Had any of your coaches indicated to you that if you were larger this would be an advantage?

10 A. No, not really. It was a personal decision.

Q. Had you had discussions with other members of the University of Toronto Blues about steroid usage?

15 A. No, I hadn't. There was -- on my first visit to the doctor I went with a friend who eventually never did take steroids. So, I had talked to him about it, but with no other players.

20 Q. As a result of this desire on your part to gain some weight as well as to satisfy your curiosity --

A. Right.

Q. -- what steps did you take to obtain steroids? What did you do about it?

25 A. Well, I went to Dr. Artinian and spoke

to him sometime late I think in May --

Q. All right.

A. -- of that year.

Q. Before we get to that first visit, how
5 did it come about that you went to see this particular
physician?

A. I just had heard his name bandied about
thought -- I knew that I could get steroids from this
doctor. Sort of general knowledge kind of thing.

10 Q. And as you have told us you and a
friend who was also interested in steroids --

A. Right.

Q. -- went together to see Dr. Artinian?

A. Yes.

15 Q. And your recollection is that that is
some time in the spring of 1984?

A. Yes, I think late May.

Q. Did you tell Dr. Artinian that you were
a member of the University of Toronto Blues football team?

20 A. Yes.

Q. Did you tell him why you were there?

A. Yes.

Q. What did he say?

THE COMMISSIONER: What did you tell him?

25 THE WITNESS: I said I was interested in

getting some steroids.

MS. CHOWN:

5 Q. Can you tell us what you can recall at
this time about your first visit beyond that discussion?

A. Yes. We waited in the waiting room and
eventually got to see the doctor. We said what we were
interested in getting. And he told us the price. He told
us the types, I think there were two types, and the price
10 of these steroids and the periods they would last for.

For instance, Deca-Durabolin would last for
two weeks, I think, if you had a shot of Deca-Durabolin.
So, we discussed it. And at the time neither of us had
any cash on us. So, we decided to, you know, we just
15 talked about it and we decided to come back.

THE COMMISSIONER: What was the price, do
you recall?

THE WITNESS: Yes, I think it was about
\$20.00 for a shot, one injection.

20 THE COMMISSIONER: What was the other? You
said you discussed two methods.

THE WITNESS: Yes. I don't remember the
other.

THE COMMISSIONER: Tablet form? Was there
25 tablets discussed as well or just injections or different

drugs?

THE WITNESS: There may have been tablets. I really don't remember. I remember we decided on the Deca-Durabolin, which was an injection.

5 THE COMMISSIONER: Why did you decide on that one?

THE WITNESS: I think we talked about the benefits and like how long a shot of that would last and it seemed -- it seemed like a good deal.

10 MS. CHOWN:

Q. During that first visit, did Dr. Artinian take any medical history from you?

A. Yes -- no, the first visit?

15 Q. Yes.

A. I believe that was just a discussion period. We might have filled out some generic forms.

Q. When you say a "generic form" --

20 A. You know, have you had any history of mental illness or heart disorders, or, you know, et cetera, et cetera, those types of things.

Q. When you say you might have been given the form, do you recall at this point being provided with a piece of paper?

25 A. I sort of remember waiting around in

the waiting room and filling out some kind of form.

Q. All right. Apart from filling out that form, did you subsequently review it or your prior health history with Dr. Artinian when you met him on that first visit?

A. My prior health history?

Q. Yes, how your health had been, how your eyes were, how your teeth were?

A. Perhaps.

THE COMMISSIONER: Was this the form you filled out yourself? It was handed to you?

THE WITNESS: Yes, it was sort of like in the waiting room, you know they give you a general, a standard form.

THE COMMISSIONER: Would you have a file with such a form, Ms. Chown?

MS. CHOWN: Yes. Mr. Morassutti has provided his consent and Mr. Hughes has provided that to us.

THE COMMISSIONER: Why don't you produce that and we will see -- excuse me, if that was the form he filled out.

THE WITNESS: Yes, that looks like the type of form.

THE COMMISSIONER: Are those ticks, they

are your ticks, are they? You filled that yourself out or did the doctor do that? That was given to you in the waiting room, you think?

THE WITNESS: Yes, a form similar to this.

5 THE COMMISSIONER: I understand.

THE WITNESS: I mean I couldn't swear that those are my check marks. It was a long time ago, but that type of thing I believe I filled out --

THE COMMISSIONER: All right. Thank you.

10 THE WITNESS: -- around the time.

MR. HUGHES: Excuse me, sir, would you like the file?

THE COMMISSIONER: Yes, please. What exhibit, number 235?

15 THE REGISTRAR: 235, yes, Mr. Commissioner.

--- EXHIBIT NO. 235: Notes of Dr. Artinian re William Morassutti.

20 MS. CHOWN:

Q. Again referring to that initial visit, Mr. Morassutti, did Dr. Artinian carry out any physical examination of you?

A. The initial? Is this the first?

25 Q. Yes.

A. No, that was just a discussion.

Q. Did he take any blood or urine from you for analysis?

A. No.

5 Q. Did you have any discussion on that first occasion about your body type or the particular kind of changes that you were looking for?

A. No, we were just two football players there just talking about steroids and what they would cost and what kind we could get. That's as far as it went on
10 the first visit.

Q. You have told us that you went there to get steroids?

A. Yes.

15 Q. Did you have also have a health problem on the occasion of your first visit --

A. No.

Q. -- that you were seeking advice from Dr. Artinian about?

20 A. No, I was healthy.

Q. In particular, did you have any experience with upper abdominal pain sometime in the spring of 1984 and, in particular, in May that might have taken you to Dr. Artinian?

25 A. No.

Q. And I put that to you, Mr. Morassutti, in fairness, because in Dr. Artinian's records, on the form that I have asked you to look at which is the first page of Exhibit 235, there is a reference to your chief complaint on May 29, '84, being bouts of upper abdominal pain not related to meals, no nausea, no vomiting.

A. No.

Q. Did you have a family doctor at that time in the 1984?

THE COMMISSIONER: Excuse me, would you give this to the witness. There is some writing there. You might ask him if it is his writing, Ms. Chown, because I think he tells us this is a form that was handed to him in the waiting room.

MS. CHOWN:

Q. Mr. Morassutti, we have asked you, or I have asked you, as has the Commissioner, some questions about the tick marks in the middle portion of that form.

A. Yes.

Q. At the top there is some writing including the phrase that I have just read to you. Starting at the top of the form --

A. Yes, bouts of upper abdominal pain.

THE COMMISSIONER: Is that your writing?

THE WITNESS: No, that is not my writing.

THE COMMISSIONER: Pardon? That's not your writing?

THE WITNESS: That's not my handwriting.

5

MS. CHOWN:

Q. In fact, apart from the marks that may or may not be your check marks, is there any other handwriting on that form that's yours?

10

A. No, my handwriting is not on that sheet.

Q. Did you subsequently return to visit Dr. Artinian after that initial consultation?

A. Yes.

15

Q. Do you recall when that was?

A. August of that summer.

Q. So, this would then be the August just prior to the 1984 football season?

A. Prior to my third season.

20

Q. Now, what was the purpose of your going back to see him in August?

A. Well, the purpose was to return with cash to be injected with Deca-Durabolin.

Q. Is there any particular reason that you waited from May 29, as the records indicate, up until

25

August to return for an injection?

A. Yes, because I -- during the course of the summer, I began training. I didn't want to take steroids just out of the blue. I wanted to be in a training, you know, an intensive training kind of situation. So, by then I was training a lot and it fit right in.

Q. Please describe for us what occurred on your second visit to Dr. Artinian.

A. We, I -- I went alone, waited in the waiting room, got to see the doctor, went in to a sort of side room and was -- was injected.

First, he did give me a sort of brief physical examination, heart beat, stethoscope, check my heart beat and pulse, and that kind of thing. And then injected me with Deca-Durabolin.

Q. Okay, Deca-Durabolin.

A. Yes.

Q. Do you know at this time or recall what your dosage was?

A. No, not specifically.

Q. Did you pay him for the injection?

A. Yes.

Q. Was it the amount that you recalled earlier?

A. Yes, \$20.00 I think.

Q. Was there any discussion with Dr. Artinian on that occasion about your prior health history? Did he ask you any questions about previous illnesses that you had suffered from?

A. At that time in the room?

Q. Yes.

A. I don't think so.

Q. On that visit, was there any discussion about side effects of steroids between you and the physician?

A. Yes, I think he said you may experience some aggressiveness or he listed a few things.

Q. Had you done any reading yourself on steroids before going to see him?

A. No, just sort of general knowledge about, you know, what they were about from the news.

Q. You received your injection in early August?

A. Yes.

Q. And did you go back to him again?

A. Yes, I went back I think two weeks later.

THE COMMISSIONER: What did you weigh at that time?

THE WITNESS: Probably about 175.

THE COMMISSIONER: One-seventy-five?

THE WITNESS: Yes. About two or three weeks later.

MS. CHOWN:

Q. As a result of the first shot you got, did you gain any weight or any notice any changes in the two-or-three-week period that went by before your next visit?

A. Yes, I would say I gained about perhaps four pounds, three-and-a-half pounds of lean muscle tissue.

Q. All right.

A. Which was great.

Q. Your recollection is you went back to see him later on in August two or three weeks later. And what happened on that occasion?

A. The exact same scenario that I described to you about the second. The quick physical examination and the shot.

Q. Were you content with the weight gain --

THE COMMISSIONER: Did you have any improvement between August, the first visit and the

second, was there some improvement?

THE WITNESS: You mean in gaining weight and strength?

THE COMMISSIONER: Yes.

5 THE WITNESS: Oh, yes, definitely.

THE COMMISSIONER: So when you went to see him the second time, did you tell him there was no improvement?

10 THE WITNESS: No -- well, I don't think we talked about it. But I know that I had gained at least three pounds, four pounds. I was muscle --

THE COMMISSIONER: So, you were quite pleased with the --

15 THE WITNESS: Well, it seemed to be going well. That's sort of what I had expected. That's why I was there.

THE COMMISSIONER: In other words, you were pleased, that's why you went back, I guess, and continued.

THE WITNESS: Yes.

20 THE COMMISSIONER: Go ahead, Ms. Chown.

MS. CHOWN:

25 Q. Do you recall Dr. Artinian weighing you on either of the two visits where you received an injection?

A. I don't recall that; it may have happened, I don't remember.

Q. Now, Dr. Artinian's records indicate the second visit took place August 22, 1984. Does that
5 accord with your recollection?

A. It sounds generally around the time.

Q. Did you subsequently return to Dr. Artinian's office after that date?

A. After the?

Q. August 22, 1984.

A. Not to my recollection, although -- although, I have to tell you when your special investigator, before coming in, down and talking to you people, the investigator phoned and said "I am with the
10 Dubin Inquiry, I would like to talk to you" et cetera.

So, I did visit Dr. Artinian's office maybe a month ago just to -- I wanted to look at my records to see what was up.

THE COMMISSIONER: Did you see them?

THE WITNESS: No, I wasn't allowed access to them.

THE COMMISSIONER: He wouldn't show you the records?

THE WITNESS: Well, actually I was waiting
25 to see him to talk to him about it and it was just taking

too long and I just left.

THE COMMISSIONER: I see. So, you didn't pursue it then?

THE WITNESS: No.

5 THE COMMISSIONER: All right.

MS. CHOWN:

Q. But apart from that visit --

A. Apart from that, no.

10 THE COMMISSIONER: That means you saw him three times then: Once with your friend?

THE WITNESS: No, once with my friend, twice for injections and a month or two months ago.

15 THE COMMISSIONER: All right. But you only had two injections then?

THE WITNESS: Yes.

THE COMMISSIONER: All right. Thank you.

MS. CHOWN:

20 Q. After that date, that is August 22, 1984, did you obtain steroids from any other source?

A. No, no.

Q. So that represented the extent of your steroid use?

25 A. Yes. That was it. It was just sort of

you know, "I wonder what these things are about."

Q. Why did you stop at that point?

A. Well, I had gained some weight, but being heavy is not really that necessary when you are a corner back. And actually I found I was a little slower and a little less agile after using the steroids. So, it really was no benefit to me, although I looked good on the beach.

Q. These effects that you commented on being a corner back --

A. Yes.

Q. -- when you played in the fall of 1984 you did not find that the weight gain --

THE COMMISSIONER: You don't wear a bikini on the football field?

THE WITNESS: No, but I was ripped, I was shredded.

MS. CHOWN:

Q. Who were your coaches at the time that you were on the team, Mr. Morassutti?

A. Well, in my third year?

Q. Yes.

A. My coach was Doug Smith.

Q. Sorry?

A Doug Mitchell.

Q. Doug Mitchell.

A. Doug Smith was another coach of mine.

Doug Mitchell.

5 Q. Were you aware of Mr. Mitchell's views
on anabolic steroids?

A. No. No views had been expressed pro or
con. I mean there was just sort of a silence.

10 Q. And I take it from that that at no
point did the coaches sit down and review with the team --

A. Yes, there was no formal briefing about
steroids.

Q. Were you in fact aware at that point of the policy of the CIAU with respect to steroid use?

A. No. I assumed that it would be okay because there was never any testing. There was never any league pronouncement saying steroids were in fact
5 outlawed, so I just sort of assumed it was okay.

MS. CHOWN: Those are all the questions I have for this witness, Mr. Commissioner.

THE COMMISSIONER: Mr. Hughes?

10 MR. HUGHES: Thank you, Mr. Commissioner.

--- EXAMINATION BY MR. HUGHES:

Q. My name is Hughes. I'm here acting for Dr. Artinian.

THE COMMISSIONER: Are those notes also --
15 are these contemporary notes taken at the time?

MR. HUGHES: Yes, Mr. Commissioner, that's certainly what I've been advised.

THE COMMISSIONER: All those exhibits so far were made contemporaneously over all these years?

20 MR. HUGHES: Yes, sir.

THE COMMISSIONER: All right, thank you. Go ahead, Mr. Hughes.

MR. HUGHES:

25 Q. Thank you, Mr. Commissioner. Mr.

Morassutti, when you first visited Dr. Artinian, that would have been in May, I guess, of 1984?

A. Right, late May.

Q. Is that your recollection?

A. Yes.

Q. So about five years ago?

A. Approximately, yeah, five years ago.

Q. Is it your position now that you don't remember discussing any other type of medical problem like abdominal pain with Dr. Artinian, or is it that you didn't discuss it with him?

A. I'm fairly certain that I didn't discuss it. I was just there to get steroids.

Q. You're fairly certain?

A. You know, I'm certain I didn't discuss it.

Q. The first time, you didn't get steroids, did you?

A. No, we just talked about it.

Q. I see. Do you recall when you were sitting in the waiting room completing some sort of form --

A. Right.

Q. -- that detailed some of your past history?

A. Yes.

Q. And the form that I think you've been shown --

A. Yeah, I saw it.

5 Q. -- is that form accurate except to the extent that you disagree with the comments about the abdominal pain?

A. Sure. Let me just look at what's ticked off.

10 THE COMMISSIONER: Did you have any headaches, any vertigo, no faintness, no thirst?

THE WITNESS: Right.

MR. HUGHES:

15 Q. It's pretty clear.

A. Yeah. I just want to look at it all. Yeah, it's a general bill of health. That's basically right.

20 Q. I take it your personal information on the form is also correct, is it, your name, address --

A. Right, yeah.

Q. -- telephone number, OHIP number, date of birth?

A. M'hmm.

25 Q. Yes?

A. Yeah, it looks all right.

THE COMMISSIONER: Did you fill that in
yourself?

THE WITNESS: That is not my handwriting,
5 but the information is correct.

THE COMMISSIONER: Right.

MR. HUGHES: I don't want to give any
evidence here, Mr. Commissioner, but --

THE COMMISSIONER: I suspect the nurse
10 would probably take that.

MR. HUGHES: That's my understanding, yes,
sir.

MR. HUGHES:

15 Q. You went back to see Dr. Artinian at
the beginning of August, 1984?

A. Yes.

Q. And that was specifically for the
purpose of getting the steroids, was it?

20 A. Yes.

Q. As you say, you'd brought your cash
with you?

A. Right.

Q. Had you anticipated getting medication
25 such as this for nothing?

A. No. I brought cash because I remember after our first meeting, it was clearly stated, "come back", "\$20" and, you know, that was the deal.

5 Q. And you understood that to be for the medication?

A. Definitely, yes.

Q. And do you recall at that time whether Dr. Artinian asked you whether you had any history of rheumatic heart disease, hepatitis, hypertension, mumps or
10 aggressive behavior?

A. He could have asked me that. I think we did a general little talk about my health. I told him I was in good health.

Q. You don't have any history of those
15 disorders, do you?

A. No.

Q. And I think you said, and I'd just like to clarify it, I don't want to be repetitious, but he checked your heart and your chest with a stethoscope?

20 A. He looked in my ears and checked my pulse and did a general physical.

Q. And he felt your abdomen?

A. He could have.

Q. Testicles?

25 A. He could have. I don't remember. I do

remember a general physical.

Q. And he took your blood pressure, that you remember?

A. Yeah, I think he did.

5 Q. At that time, you said you had some discussion about the side effects of steroids; is that right?

A. Yeah. He said you could experience some aggressive behavior, some -- he went through a list
10 of things.

Q. When he had injected the Deca-Durabolin, do you recall that he gave you the empty package in which the vial came?

A. I think he showed me, yeah. He held it
15 up and he showed me.

Q. And do you recall whether it contained any information in the package with respect to the drug and whether you reviewed that?

A. I don't think I would have reviewed it.
20 I just noticed the vial. He held up the vial.

Q. So you didn't review anything in the package, to your knowledge?

A. No.

Q. Like a pamphlet that was enclosed in
25 the package?

A. You know what, there might have been a pamphlet. I think he did show it to me.

Q. And at that time, did he also suggest to you that you go on a high protein diet?

5 A. He could have. I don't really recall that.

Q. Did he tell you not to have alcohol while you were taking the Deca-Durabolin?

A. Again, I don't remember that specifically. He might have said that.

10 Q. And in terms of the dosage, I take it you don't recall too well, but if I could help you, was it about half a vial? Is that a fair --

A. I would say it's about a vial.

15 Q. You think it's a vial?

A. Yeah, I remember -- you know, I remember --

THE COMMISSIONER: What does it say on here; do you know? What does that mean?

20 MR. HUGHES: It says 100 milligrams, Mr. Commissioner.

THE WITNESS: Is that a vial or is that a --

MR. HUGHES: My information is that that's
25 half a vial.

THE WITNESS: Oh. I sort of remember him draining a vial into a needle. I remember there being an empty vial, so --

5

MR. HUGHES:

Q. Do you recall Dr. Artinian telling you that Deca-Durabolin in the injectable form was a safer type of anabolic steroid than, for instance, some of the oral varieties?

10

A. A safer type?

Q. Yes. Lesser side effects?

A. No. I don't remember.

Q. You don't remember or he didn't?

15

A. I don't remember that. I think I remember it was the most efficient one. I think I was impressed by the fact that it was one shot for every two weeks, so --

Q. And you came back between two or three weeks later?

20

A. Yeah.

Q. And you say you'd noticed an appreciable increase in your weight or in your muscularity?

25

A. Well, both. Weight gain, which was lean muscle tissue, so both; gained weight and

increased --

Q. Your gross weight went up?

A. Yes.

Q. By how much?

5 A. I would say about three pounds, three-
and-a-half, four pounds.

Q. And your strength increased?

A. Oh, definitely.

10 Q. And you attribute all of this to one
injection of 100 milligrams of Deca-Durabolin?

A. Whatever it was, the vial, I don't
know. Yeah, definitely.

Q. But this is just the one shot?

A. That was over a two-week period, yeah.

15 Q. You weren't taking any other of types
of anabolic steroids or other medication apart from this
at this time?

A. No.

20 Q. When you came back the second time, did
Dr. Artinian again check the sinus rhythm of your heart
and check your chest?

A. Excuse me, the --

Q. The third time after you have saw him,
the second time that --

25 A. But what was it? The what? The sinus?

Q. Your heartbeat.

A. And before that.

Q. And your chest. Did he listen to your chest and listen to your heart?

5 A. Yeah, generally did the whole general thing.

Q. Again?

A. Yeah.

Q. Did he check your abdomen again?

10 A. He did a general checkup. I don't remember all the details.

Q. Took your blood pressure?

A. I think so.

Q. And again the same dosage of
15 Deca-Durabolin?

A. M'hmm.

Q. As far as you were aware?

A. Yeah, a vial approximately.

Q. And that was the last time that you saw
20 Dr. Artinian for any medical treatment; is that right?

A. For any medical treatment, yes.

Q. Well, when you tried to get your
records --

A. Right.

25 Q. -- or when you went to ask about your

records, did you see Dr. Artinian? Did you speak with him?

A. Yeah. I didn't speak with him until I had waited for a little while, and I went up to his receptionist and said listen, I'd just like to see my files. And I think he said something like look, just go and wait your turn. You'll get a chance to speak with me.

Q. But I take it you didn't wait?

A. No, I didn't wait. I left.

MR. HUGHES: Those are all my questions.
Thank you, Mr. Commissioner.

THE COMMISSIONER: Any re-examination?

MS. CHOWN: No, thank you, Mr.
Commissioner.

THE COMMISSIONER: Thank you very much.

MS. CHOWN: Mr. Commissioner, our last witness today is Mr. David Bain. He's present in the room.

DAVID BAIN SWORN:

--- EXAMINATION BY MS. CHOWN:

Q. Mr. Bain, you'll have to speak right into the microphone and keep your voice up.

A. Yes.

Q. Mr. Bain, I understand that you live in

Guelph now?

A. Yeah.

Q. You were born in 1969 in St. Boniface,
Manitoba?

A. Yeah.

Q. And you have completed high school?

A. Yeah.

Q. And you obtained your Grade 13 in 1988?

A. Yeah.

THE COMMISSIONER: You are 20 years old
now?

THE WITNESS: Just turned 20.

THE COMMISSIONER: Pardon?

THE WITNESS: In February. Turned 20 in
February.

THE COMMISSIONER: In February, thank you.

THE WITNESS: Yeah.

MS. CHOWN:

Q. You attended four years at
Bishop-McDonnell high school and one year at Guelph
Collegiate Institute?

A. Yeah.

Q. At this point, you are working?

A. M'hmm.

Q. But your plans are to attend Fanshaw
Community College in London?

A. Yeah, in January.

Q. January of 1990?

5 A. Yeah.

Q. And what do you plan to study there?

A. Business administration.

Q. Mr. Bain, we've asked you to come here
today to tell us about your contact with anabolic steroids
10 as a high school athlete, in particular as a high school
football player. So you were at high school between 1983
and 1988; is that correct?

A. '84 and '88.

THE COMMISSIONER: What high school is
15 that?

MS. CHOWN: Two high schools, Mr.
Commissioner, Bishop-McDonnell --

MS. CHOWN:

20 Q. Is that a collegiate?

A. It's a secondary school.

Q. Bishop-McDonnell secondary school --

A. It's a Catholic school.

Q. -- in Guelph for four years, and your
25 Grade 13 was at Guelph Collegiate Institute?

A. Yes.

Q. Did you play football all the years that you were in high school?

A. No, just Grade 12 and 13.

Q. What position did you play?

A. At BM I played defensive end and at GC a running back.

Q. All right. You will have to speak a little bit more slowly. You played defensive end --

A. At BM.

Q. -- at BM, and BM is Bishop-McDonnell?

A. Yeah.

Q. And that was your Grade 12 year?

A. M'hmm.

Q. And Grade 13 when you were at Guelph, what did you play?

A. Running back.

THE COMMISSIONER: How old were you then?

THE WITNESS: 19.

THE COMMISSIONER: 19 at --

THE WITNESS: At GC.

THE COMMISSIONER: -- BM?

THE WITNESS: No, I was 18.

THE COMMISSIONER: 18 then?

THE WITNESS: Yeah, just turned 19, I think.

Yeah.

MS. CHOWN:

Q. Now I understand as well as being a
5 football player you also were doing body building during
the time you were in high school; is that correct?

A. Yeah.

Q. When did you start doing that, what
grade?

10 A. Grade 11, at the end of Grade 11.

Q. End of Grade 11?

A. Yeah.

Q. Where did you do your training?

15 A. First I started at Heights of Health,
and it closed down. Then I went to Gold's Gym.

Q. In Guelph?

A. Yeah.

Q. When did you first hear about anabolic
steroids and from whom?

20 A. Just from another body builder in a
gym.

Q. You were training in the gym?

A. Yeah. And I was approached by a girl.
A girl approached me about it.

25 THE COMMISSIONER: I'm sorry, how old were

you then?

THE WITNESS: I think I was 18.

THE COMMISSIONER: Still the same year?

THE WITNESS: Yeah.

THE COMMISSIONER: You were in Grade 12?

THE WITNESS: Yeah.

MS. CHOWN:

Q. You say you were approached by someone
in the gym?

A. Yeah.

Q. And is that the first time that you had
any contact with steroids or any knowledge of them?

A. Well, I knew about them.

Q. And how did you know about them?

A. You know, you just hear about it
around, but I wasn't really interested in it, eh, until I
started really heavily working out, and that's when I
first started considering it.

Q. And when you say you really started to
work out, are you referring to working out at body
building or at football or at both?

A. Both.

Q. And when you started these serious
workouts, did you make a decision yourself to start taking

anabolic steroids?

A. Yeah.

Q. What were you looking for these drugs to do for you?

5 A. Just give me some size, some strength.

Q. Give you some size?

A. And some strength, yeah.

Q. Let's go back to the year that you were 18 in 1987.

10 A. Yeah.

Q. Can you give us your height and weight at that time before you took anabolics?

A. I guess I was about 155 before I started.

15 Q. All right. And how tall are you?

A. 5'8".

Q. 5'8" and 155. Did your football coaches suggest to you that putting on more weight might be an advantage, or is this something you decided yourself?

20

A. No, just decided myself.

Q. Do you recall what time of year it was, then?

A. I think it was the summer of '87. Just before Grade 12, I think it was, just before my Grade 12

25

season.

Q. All right, so just before the fall 1987 season?

A. It would be about the beginning of the summer. School had just ended, I think.

Q. Was that when you first began to take steroids?

A. Yeah.

Q. Did you obtain them from the gym?

A. A person I knew, yeah.

Q. In the gym?

A. Not necessarily in the gym, no.

Q. But all on the black market?

A. Yeah.

Q. What did you obtain?

A. Dianabol.

Q. How many days and what dosage did you take of the Dianabol?

A. I was taking about six to eight a day.

Q. Six to eight tablets a day?

A. Yeah. Well, I started off with four for the first week and then I went up to six to eight.

Q. And are these five milligram tablets?

A. Yeah.

THE COMMISSIONER: Where did you buy them?

From a friend of yours, did you say, or somebody --

THE WITNESS: Just someone I knew,
somebody --

THE COMMISSIONER: In Guelph?

THE WITNESS: Yeah.

THE COMMISSIONER: Pardon? In Guelph?

THE WITNESS: Yeah.

THE COMMISSIONER: How much did you pay for
them?

THE WITNESS: The price varied. First I
paid \$50.

THE COMMISSIONER: \$50?

THE WITNESS: For a hundred tablets.

THE COMMISSIONER: For a hundred tablets?

THE WITNESS: Yeah.

THE COMMISSIONER: Did they come in a
bottle?

THE WITNESS: Yeah.

THE COMMISSIONER: With a label on them?

THE WITNESS: Sealed, yeah.

MS. CHOWN:

Q. Were you satisfied that what you were
getting was real Dianabol?

A. Yeah.

Q. So you say you started off at four or five tablets a day. You worked up to about six to eight. Over what time period did you take these tablets?

A. How long did I take Dianobol for?

5 Q. In that first cycle when you started, how many weeks?

A. I just took the bottle. At that time, that just lasted me about a month, if that.

10 THE COMMISSIONER: Well, you mean you took them continuously until the tablets ran out?

THE WITNESS: Yeah.

THE COMMISSIONER: There are a hundred tablets in a bottle? And how many were taken a day? Two or three a day?

15 THE WITNESS: No, I started off with four and then I went to six to eight a day.

THE COMMISSIONER: Sometimes eight a day?

THE WITNESS: Yeah. I think I went up to a size ten at one point.

20 THE COMMISSIONER: So would a bottle last you about 12 days?

THE WITNESS: It didn't really last me that long.

MS. CHOWN:

Q. Who gave you advice on how many tablets a day you should be taking?

A. The person I bought it off of.

5 Q. Did you follow that person's advice, or did you take more?

A. Yeah, kind of followed it.

Q. When you were taking ten tablets a day, did that --

10 A. Well, I just took that a couple of times, a couple of days, ten in a row.

Q. Had you any information yourself at that point about any risks associated with the taking of anabolic steroids?

15 A. I knew them all.

Q. I'm sorry?

A. I knew them all.

THE COMMISSIONER: You knew them all?

THE WITNESS: Oh, yeah.

20 MS. CHOWN:

Q. What risks were you aware of at that time in 1987 when you began to take the tablets?

25 A. Just the usual stuff. The liver; the aggressiveness; the achne; all that kind of stuff. It

didn't really bother me.

Q. Were you aware of the risk to bone growth?

A. Yeah.

5 Q. And the fact that steroids if taken before physical maturity may stunt bone growth?

A. Yeah.

Q. So you are saying that you were aware of those?

10 A. Yeah.

Q. Is that through any reading that you had done, Mr. Bain, or through --

A. Yeah. I read a lot about it. I knew a lot about them.

15 Q. And notwithstanding what you knew, you decided to go on the course of steroids?

A. Yeah.

Q. So you'd taken them over the summer period leading up to the fall football season?

20 A. M'hmm.

Q. Did you notice any effects from that first cycle of Dianabol?

25 A. Well, just -- I don't know. My strength increased. And Dianabol, your size didn't really increase that much, just a lot of strength. It made you a

bit muscular, but I didn't find the Dianabol really gave me that much size.

THE COMMISSIONER: I'm sorry. I can't hear.

5 THE WITNESS: I didn't find the Dianabol to give me that much size. A lot of strength, really.

MS. CHOWN:

10 Q. But you didn't particularly put on weight?

A. A bit of weight, but not any great gains or anything? I put on a lot of strength.

Q. Did you notice any effects on your emotions?

15 A. Yeah. You know, the depression, paranoia and aggressiveness. I felt that a lot, the depression and the paranoia.

THE COMMISSIONER: Depression and paranoia?

THE WITNESS: Oh, yeah, all the time.

20 MR. CHOWN:

Q. Were you concerned enough to go to a doctor to ask for a doctor to monitor you during this cycle of steroids?

25 A. No, never went to a doctor.

Q. Did you have a family doctor at that point?

A. Yeah.

Q. I think we've got to the fall of 1987. You would have started the football season with Bishop-McDonnell that fall?

A. Yeah.

Q. When you came to school, I take it at the end of the summer, beginning of September, did you have any discussions with your coaches about anabolic steroids that fall?

A. Halfway through the year, I guess it was, my coach came and talked to me about it because the captains of the team went to the coach saying they were worried about me because of my mood swings.

Q. Let me just take that a little bit more slowly. You are saying the captain of the Bishop-McDonnell team --

A. Yeah.

Q. And that would be someone --

A. Went to the coach.

THE COMMISSIONER: He went to the coach?

THE WITNESS: Yeah.

THE COMMISSIONER: Said he was worried about you and your mood change?

THE WITNESS: They were worried about me. They didn't know how to handle me, like talk to me. They didn't know how to talk to me anymore, they said.

5 MS. CHOWN:

Q. And they were concerned about this aggression and paranoia and depression that you'd mentioned?

A. Yeah.

10 Q. Had you indicated to the team captain that you were taking steroids or was this an assumption that he had made?

A. Yes. They could tell, I think.

15 Q. So they went to the coach, and who was your coach at that time?

A. Les Schmidt.

Q. Sorry?

A. Les Schmidt.

Q. Les Schmidt?

20 A. Yeah.

Q. And did Mr. Schmidt come and speak to you?

A. Yeah.

Q. What did he say?

25 A. He asked me to stop. Politely he asked

me to stop, and I said I would but I never.

Q. He asked you to stop?

A. Yeah.

Q. You said that you would stop?

5 A. Yeah, but I never did.

Q. But you continued on taking them?

A. Yeah.

Q. Did you take them throughout the
football season of 1987?

10 A. M'hmm.

Q. And following the football season, did
you continue to take them during the balance of the 1987
'88 school year?

A. Yeah.

15 Q. And why did you continue to take them
after football season?

A. Because I was still working out with
with the weights.

20 Q. This is on your weightlifting side of
things?

A. Yeah.

Q. Now you mentioned that you had taken
Dianabol at this time late in 1987 or early 1988. Did you
begin to take any other kinds of steroids?

25 A. Yeah. Testosterone.

Q. Where did you get the testosterone?

A. From the same person.

Q. And did you continue to take Dianabol
as well?

5 THE COMMISSIONER: Is that injectable?

THE WITNESS: Yeah.

THE COMMISSIONER: It was injectable?

THE WITNESS: Yeah.

THE COMMISSIONER: Did you inject yourself?

10 THE WITNESS: Yeah, inject myself.

THE COMMISSIONER: The same supply gave you
the testosterone?

THE WITNESS: Yeah.

15 MS. CHOWN:

Q. How much testosterone were you taking?

A. In a week, I'd say about four shots,
five at the highest, four to five shots?

Q. And what was the dosage in each shot?

20 A. It depended on what "test" it was.
cypionate it 200 milligrams shot and the enanthate was 100
milligrams.

Q. And those are two different kinds of
testosterone?

25 A. Yeah, but I was stacking about three

different types of 'tests' at the time.

Q. During that time period, you were taking several different kinds of injectable testosterone?

A. With the Dianabol.

Q. With Dianabol tablets?

A. Yeah.

Q. And again, was your guidance as far as how much and how often to take the testosterone something that you received from your friend?

A. Well, he told me what to take and I kind of, you know, went on my own, did everything myself.

THE COMMISSIONER: What about your friends? Didn't they try to tell you not to do it, that it was affecting your health?

THE WITNESS: Oh, yeah.

THE COMMISSIONER: And your personality and your demeanor?

THE WITNESS: Oh, yeah.

THE COMMISSIONER: But you didn't pay any attention to them?

THE WITNESS: Nope.

THE COMMISSIONER: What were you trying to prove?

THE WITNESS: Nothing.

MS. CHOWN:

Q. Did you continue to experience the aggression and the paranoia and the depression you told us about earlier?

5 A. Yeah.

Q. And were those feelings that would come upon you when you were by yourself?

A. Oh, yeah, all the time.

10 Q. I think something you told me earlier, that you might be watching television and all of a sudden you would have these feelings wash over you?

A. Oh, yeah, anger. You'd be sitting there clenching your fist like that, just anger.

15 Q. And there was no other reason for you to feel so angry?

20 A. No apparent reason whatsoever. You just think about -- a lot of times I used to think about people that used to pick on me, and stuff like that, like older kids. I'd get really mad and wish I could see them now.

Q. Those are the kind of thoughts you had?

A. Oh, yeah.

Q. Did that not scare you that you were in an emotional frame of mind like that?

25 A. Oh, yeah. Then I started to realize

that it was -- I realized that it was the juice that was doing it, and I kind of started controlling it, so whenever it would happen I'd like say to myself that it was the juice and it wasn't me.

5 Q. When you say "the juice", you mean the steroids?

A. Yeah.

Q. But did you also consider at that point perhaps stopping or reducing the amount of steroids you
10 were taking?

A. No.

Q. Did you feel in fact during the football --

THE COMMISSIONER: Where were you getting
15 the money, by the way?

THE WITNESS: Oh, I worked.

THE COMMISSIONER: You worked?

THE WITNESS: I had a job in the summer.
Made quite a bit of money.

20 MS. CHOWN:

Q. Did you feel that the steroids had been of assistance to you in the 1987 football season?

A. The size helped, I guess.

25 Q. Just the size?

A. And the aggressiveness. I was always really aggressive when I played football anyway, so I wouldn't really know if it helped me in that way at all.

Q. Now we go into 1988, and you would have finished in the spring at Bishop-McDonnell and you would be switching to Guelph Collegiate for your final year?

A. Yeah.

THE COMMISSIONER: How did this affect your studies? Were you able to pass your exams all right, and so on.

THE WITNESS: Oh, yeah, I was still studying.

THE COMMISSIONER: Where were you living? Were you living at home with your parents?

THE WITNESS: M'hmm, me and my mom.

THE COMMISSIONER: Pardon?

THE WITNESS: Me and my mom.

THE COMMISSIONER: In an apartment with your mother?

THE WITNESS: Yeah.

THE COMMISSIONER: Did she notice any change in you? Did you ever tell her what was going on?

THE WITNESS: She found out. I didn't tell her.

THE COMMISSIONER: When did she find out?

THE WITNESS: Going through my room.

Later.

THE COMMISSIONER: Later?

THE WITNESS: Later I was involved --

MS. CHOWN:

Q. In 1988 you were changing schools,
changing teams, changing coaches. When you became a
member of the Guelph Collegiate team in the fall of 1988,
did you continue to take steroids through the 1988
football season?

A. Yeah.

Q. The same steroids that you've indicated
to us?

A. Oh, geez. I was taking like different
ones too. Anavar; Deca; Equipoise.

THE COMMISSIONER: All from the same
source?

THE WITNESS: Yeah, all from the same
source.

THE COMMISSIONER: Must have had a pretty
big shop if he was carrying all these drugs around?

THE WITNESS: Yeah.

MS. CHOWN:

Q. And you also were taking some human growth hormones?

A. Me and a friend split on that, a bottle of that.

THE COMMISSIONER: Where did you get that?

THE WITNESS: This was from a different person.

THE COMMISSIONER: A different source?

THE WITNESS: Yeah.

MS. CHOWN:

Q. What did that cost you?

A. For 10 shots, \$1400.

THE COMMISSIONER: How much?

THE WITNESS: \$1400. \$700 each. We split it, me and a friend.

THE COMMISSIONER: So you had 10 shots yourself?

THE WITNESS: No, five.

THE COMMISSIONER: Five. I see, 10 shots was \$1400?

THE WITNESS: Yeah.

MS. CHOWN:

Q. Were you stacking these drugs that you've indicated to us, the Anavar, the Equipoise and so on?

5 A. Oh, yeah.

Q. Did the amount of your dosages of the steroids increase over what it had been in the spring and summer and fall of 1987?

10 A. At times I would go -- I guess it would at some point, some times. When I was right involved in a cycle, I would do a shot every day.

THE COMMISSIONER: Were you injecting yourself?

15 THE WITNESS: Yeah, injecting myself.

MS. CHOWN:

Q. Was anyone aware at your new school, that is at Guelph Collegiate, that you were involved with steroids?

20 A. Oh, yeah, my friends.

Q. Did the coaches ever speak to you about it?

25 THE COMMISSIONER: Well, you shared the human growth hormone with one of your friends; is that right?

THE WITNESS: Yeah.

THE COMMISSIONER: Was he also a high school student?

THE WITNESS: No, he was at university.

5 THE COMMISSIONER: And what about the other drugs? Were you sharing those too?

THE WITNESS: No.

THE COMMISSIONER: You did that on your own?

10 THE WITNESS: Yeah.

MS. CHOWN:

Q. So I take it from your earlier answer that the coaches that you had at Guelph were not aware that you were taking steroids?

15 A. I think they had an idea but they never said nothing to me about it.

Q. At either Bishop-McDonnell or --

20 THE COMMISSIONER: Were any of the other players taking steroids that you were aware of?

THE WITNESS: Not that I was aware of.

THE COMMISSIONER: Were you the only one?

THE WITNESS: To my knowledge, yes.

THE COMMISSIONER: Pardon?

25 THE WITNESS: To my knowledge, yeah.

THE COMMISSIONER: I see.

MS. CHOWN:

5 Q. At either school, did the coaches at
any point sit down and talk formally to the teams about
steroids?

A. No.

Q. So whatever information you had, you
picked up from acquaintances in the gym?

10 A. And reading.

THE COMMISSIONER: Well, were you still
working out at the gyms?

THE WITNESS: Oh, yeah.

15 THE COMMISSIONER: And were there other
people at your age also working out there too?

THE WITNESS: Oh, yeah.

THE COMMISSIONER: We've heard a great deal
of evidence that steroids are very frequently obtained at
gyms?

20 THE WITNESS: Yeah, you can get them there.

THE COMMISSIONER: Pardon?

THE WITNESS: You can purchase them there.

THE COMMISSIONER: But you didn't buy from
anybody in the gym; you bought from outside the gym?

25 THE WITNESS: Yeah, I guess you can say

that.

THE COMMISSIONER: Well, don't guess.

THE WITNESS: Well, yeah.

THE COMMISSIONER: Other people in the gym
5 were using steroids, weren't they?

THE WITNESS: Oh, yeah. There's guys I
know who were using them for sure.

THE COMMISSIONER: Are they young people
like yourself?

10 THE WITNESS: Oh, yeah, definitely.

MS. CHOWN:

Q. And again in the fall or in 1988, did
you continue to experience the aggression and depression
15 and paranoia you have described?

A. Not as frequently and as strong it was
when I first started. I was used to it by then. It just
didn't really bother me that much. I was still losing my
temper a bit, you know, I little bit of a hothead, but I
20 wasn't, you know, losing it that much as when I first
started.

Q. I'd like to turn to one final matter
with you, Mr. Bain, and that is I understand that you were
convicted of assault and mischief as a result of an
25 incident arising out of a matter in the summer of 1988?

A. Yeah.

Q. At the time that you were sentenced by the judge at your original trial, was there some reference made to steroids during your sentencing?

5 A. M'hmm.

Q. Can you tell us about that, please.

A. Oh, just a presentence report. I was being sentenced, and I guess you have to do a presentence report with a probation officer, and she asked me about
10 steroid use, and I had told her that I was; and I guess the judge thought that was the factor that did it. I was just sentenced to 10 days in jail and probation.

Q. Was there some condition attached to your probation to do with steroids?

15 A. Yeah, I appealed my 10-day jail sentence and I won. They just added that to my probation. I can't use steroids. Stop using them, and I can't use it.

20

25

Q. So, it was a term of your probation you were not allowed to use steroids?

A. Yes.

Q. Have you in fact used steroids?

A. On probation?

Q. Yes.

A. No.

MS. CHOWN: Thank you. Those are all the questions I have for this witness.

THE COMMISSIONER: Any questions?

You are working now, are you?

THE WITNESS: Yes, starting tomorrow.

THE COMMISSIONER: You are going back to school in the fall?

THE WITNESS: Yes, January, hopefully.

THE COMMISSIONER: You told us the school and I have forgotten it.

THE WITNESS: Fanshaw.

THE COMMISSIONER: Fanshaw.

THE WITNESS: In London.

THE COMMISSIONER: You are going to take business administration?

THE WITNESS: Uh-huh.

THE COMMISSIONER: You are going to play sports? Do they have football at Fanshaw College?

THE WITNESS: No. I am just going to go to Fanshaw for a semester and then go to university and play football there.

5 THE COMMISSIONER: What are your plans for the use of steroids when you get to the university level?

THE WITNESS: Who knows.

THE COMMISSIONER: Pardon?

THE WITNESS:. Who knows.

10 THE COMMISSIONER: "Who knows", is that what you said?

THE WITNESS: Yes.

THE COMMISSIONER: I am sorry, I didn't hear what you said?

THE WITNESS: Who knows, I don't know.

15 THE COMMISSIONER: I see. How long is your probation period?

THE WITNESS: A year.

THE COMMISSIONER: A year. When is it over?

20 THE WITNESS: Next April.

THE COMMISSIONER: All right. Thank you, Mr. Bain.

MS. CHOWN: Mr. Commissioner, those are all the witnesses we have for today.

25 THE COMMISSIONER: I understand. You have

done very well getting as many as we have. It is hard to get them at this time of year.

Tomorrow morning at 10 o'clock. Have you got some witnesses for tomorrow?

5 MS. CHOWN: Yes, we do.

THE COMMISSIONER: Tomorrow morning at 10 o'clock. Thank you.

10 --- Whereupon the hearings adjourned until Tuesday, August 15, 1989 at 10:00 a.m.

